

199.
10.08.2023.
ap

C.R.M.(A) 2988 of 2023

In the matter of: an application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 17.07.2023 in connection with Purulia Sadar Women Police Station Case No. 25 of 2023 dated 08.06.2023 under Sections 498A/323/313/34 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act.

And

In re.: Sekh Bablu @ Sk. Bablu & Ors. ... Petitioners

Mr. Navanil De,
Mr. Rajeswar Chakraborty,
Mr. Srinjan Ghosh,
Mr. Subhrajit Dey,
Ms. Monami Mukherjee. ... for the
petitioners

Mr. Saibal Bapuli, Ld. APP,
Mr. Arijit Ganguly,
Mr. Avik Ghatak. ... for the State.

1. Heard the learned Counsel for the parties.
2. Considered the materials placed by them including the report submitted by Dr. Sunit Kumar Chandra seized during investigation. The aforesaid report shows that the victim has suffered 'trimester abortion may be due to congenital genetic abnormalities of foetus'. In view of such specific opinion of the Medical Officer, we do not find any element to constitute the ingredients of Section 313 of the Indian Penal Code at least prima facie.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, the fact that there is always hope of compromise in matrimonial disputes and such compromise is always in the interest of the family and society and substantial

progress in investigation, it is directed that the petitioners shall be released on bail by the Arresting Officer in the event of their arrest in the G.R. Case No. 1056 of 2023 arising out of the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions:

- (i) The petitioners are directed to appear before the Investigating Officer of the case once in a fortnight on the day and time fixed by the Investigating Officer of the case for the purpose of investigation till submission of Final Form.
- (ii) The petitioners shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.

4. Accordingly, the prayer for the anticipatory bail is allowed.

5. The application being CRM(A) 2988 of 2023 is disposed of.

6. The Arresting Officer is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)