

28.07.2023
tkm/ct 28
supl no. 3

C.R.M. (A) 2995 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Dadpur P.S case no. 164 of 2023 dated 27.6.2023 under sections 498A/313/406 IPC
And

Allowed

In Re : Mamtaj Begum & Ors. petitioners

Mr. Suman Chakraborty

..... for the petitioners

Mr. Goutam Wilson

..... for the State

Petitioners are the in-laws of the victim housewife. It is submitted that they have been falsely implicated in the instant case. It is contended victim housewife voluntarily left the matrimonial home. They pray for anticipatory bail.

Learned lawyer for the Sate opposes the prayer for anticipatory bail. He submits petitioners had assaulted the victim housewife resulting in abortion.

We have considered the materials on record including the medical report. Medical report speaks of incomplete abortion. There is no noting in the report that the same is a product of physical assault.

Under such circumstance, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973

Petitioners shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM (A) 2995 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)