

CRM(A) 3134 of 2023

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliganj Police Station** Case No. **253 of 2023** dated **25.04.2023** under Sections **498A/313/509/34** of the Indian Penal Code.

- A n d -

In the matter of : Anowar Sekh & Ors.

.... Petitioners.

Mr. Navanil De
Mr. Rajeshwar Chakraborty
Mr. Srinjan Ghosh
Mr. Subhrajit Dey
Ms. Monami Mukherjee

... For the Petitioners.

Mr. Imran Ali
Ms. Debjani Sahu

... for the State.

1. Heard learned counsel for the parties.
2. The petitioners are husband, father-in-law, mother-in-law, brother-in-law and husband of sister-in-law of the informant. In the statement recorded under Section 161 Cr.P.C., the informant has alleged she was forcefully administered some medicine and miscarriage happened. In the injury report, the history recorded by the medical officer is to the effect that the informant took some abortion medicine wrongly as guided by her husband.
3. Learned counsel for the petitioners submits that petitioner No. 1 and the informant are blessed with two

children, the third pregnancy was aborted with the consent of the informant and it is not a case of miscarriage but a case of voluntary abortion.

4. Whether offence under Section 313 is attracted or not in such a case is better to be decided by the learned trial Court during trial.
5. Regard being had to the facts and submission, 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 aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the fact that:
 - i) The petitioner nos.1 and 4 are directed to appear before the IO once in a week on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
 - ii) The petitioner nos. 2, 3 and 5 are directed to appear before the IO for the purpose of investigation as and when required from sunrise to sunset.

6. The petitioners are directed to appear before the IO within 21 days from today along with a server copy or certified copy of this order.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being CRM(A) 3134 of 2023 is disposed of.
9. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)