

25.08.2023
SL. 2 & 10
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3220 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Uluberia** Police Station Case No. **135** of **2023** dated **22.04.2023** under Sections **498A/313/34** IPC.

And

In the matter of: **Sk. Bablu & Anr.**

....petitioners.

With

C.R.M. (A) 3423 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Uluberia** Police Station Case No. **135** of **2023** dated **22.04.2023** under Sections **498A/313/34** IPC.

And

In the matter of: **Sk. Sadik**

....petitioner.

Mr. Soumya Basu Roy Chowdhuri

...for the petitioner
in CRM (A) 3220 of 2023 &
CRM (A) 3423 of 2023.

Mr. Pravash Bhattacharya

Mr. Mirza Firoj Ahmed Begg

...for the State in CRM (A) 3220 of 2023.

Ms. Sreeparna Das

... for the State in CRM (A) 3423 of 2023.

1. Heard learned Counsel for the parties. As both these petitions arise out of the same P.S. case, they are taken up for disposal by this common order with consent by the learned Counsel for the parties.
2. The petitioners in CRM (A) 3220 of 2023 are the father-in-law and mother-in-law of the informant and the petitioner in CRM (A) 3423 of 2023 is the husband of the informant.
3. So far as offence under Section 313 IPC is concerned, it is found from the statement of the informant that she was forcibly given some medicine for abortion. From the injury

report, it is found that the informant had taken medicine of abortion and her paternal grandmother had consented for abortion. There is a great deal of difference between abortion and miscarriage and Section 313 IPC is attracted in case of miscarriage only. This being a question of fact, it is better to be decided by the Trial Court.

4. Regard being had to the facts and submission, factum of permanent residence of the petitioners, 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 each of the petitioner in both the applications shall be released on bail in the event of their arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
5. The petitioners are directed to appear before the I.O. within 21 days from today along with a server copy or certified copy of this order.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The applications being **CRM (A) 3220 of 2023** and **CRM (A) 3423 of 2023** are disposed of.
8. 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.)

