

31.08.2023
D/L 63
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3592 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Tamluk P. S. Case No.482 of 2023 dated 06.05.2023 under Sections 498A/341/323/308/313/354/506/34 of the Indian Penal Code and Section 4 of Dowry Prohibition Act (G.R. Case No.1456 of 2023).

In the matter of : Sk. Nawsad @ Sk. Nawsad Ali
... Petitioner

Mr. Amal Krishna Samanta,
Mr. Ashok Das
... for the petitioner

Mr. Imran Ali,
Ms. Manisha Sharma
... for the State

1. Heard learned Counsel for the parties.
2. From the materials placed before us, it reveals that the petitioner being the husband is alleged to have inflicted torture both physical and mental along with his family members upon the victim housewife on account of additional demand of dowry and on one occasion i.e. 30.11.2022 the petitioner kicked on the belly of his wife causing miscarriage.
3. It is fairly submitted at the Bar that in order to attract the offence under Section 313 Cr.P.C., there is not much material as against the present petitioner except a medical prescription dated 01.12.2022. On consideration of such medical prescription, we do not find any role of

the present petitioner in the alleged miscarriage of the victim housewife at least *prima facie*.

4. Admittedly, there are some incriminating materials available in the CD from the statements of the witnesses as recorded under Section 161 Cr.P.C. with regard to the alleged torture by the present petitioner upon the victim housewife but those are, in our considered view, omnibus in nature.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of injury as discussed supra, 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 petitioner shall be released on bail by the Arresting Officer in the event of his arrest in the GR Case No.1456 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.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. Within 21 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.

8. The applications being CRM(A) 3592 of 2023 is disposed of.
9. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)