

18.09.2023
(M/L 137)
Ct. No.29
Allowed
(SKB)

CRM (A) 3744 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Chanchal P.S. Case No.756 of 2023 dated 29.06.2023 under Sections 448/323/313/308/34 of the Indian Penal Code (G.R. Case No.1825 of 2023).

In the matter of : Nasimul Hoque

... Petitioner

Mr. Mazahar Hossain Chowdhury

... for the petitioner

Mr. Arijit Ganguly,

Mr. Avik Ghatak

... for the State

1. Heard learned advocates for the parties.
2. The incident occurred on account of a property dispute where the present petitioner is alleged to have given a kick on the belly of the victim for which the victim is alleged to have suffered miscarriage.
3. From the materials collected in course of investigation including the statements of the witnesses as recorded under Section 161 Cr.P.C. and the statement of the victim recorded under Section 164 Cr.P.C., we find that in the alleged incident, the name of the present petitioner transpires. However, from such materials it does not transpire at all as to whether the present petitioner voluntarily gave a kick at the belly of the victim knowing that she is pregnant, especially, in view of the fact that

the gestation period of the victim and the time of abortion of miscarriage was only six weeks four days.

4. However, we deplore the conduct of the petitioner of giving kick without being alive to respect a woman and her body.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation 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 G.R. Case No.1825 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 petitioner is directed to appear before the IO twice 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 shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
1. Accordingly, the prayer for the anticipatory bail is allowed.
2. 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.

3. The applications being CRM(A) 3744 of 2023 is disposed of.
4. 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.)