

12.09.2023
SL. 18
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3811 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **New Barrackpore** Police Station Case No. **142** of **2023** dated **28.05.2023** under Sections **498A/323/313/427/506/34** IPC (corresponding to G.R. Case No. 4558 of 2023).

And

In the matter of: **Sandip Naskar @ Sandeep Naskar**
....petitioner.

Mr. Kallal Mondal
Mr. Souvik Das
...for the petitioner.

Mr. S. S. Imam
Mr. S. Kundu
...for the State.

Ms. Mousumi Hazra
Mr. Sudip Kumar Khan
... for the defacto complainant.

1. Heard learned Counsel for the parties including the Counsel for the informant.
2. From the materials on record, we do not find any offence under Section 313 IPC at least *prima facie*. From page 104 of the C.D., we find that Associate Professor Department of G & O, Sagardutta Medical College and Hospital has written a letter to the MSVP that the informant had history of taking abortifacient. It is also found from medical papers that the informant had PCOS (Polycystic Ovarial Syndrome) of Grade-I. There is allegation to the effect that the informant's husband and mother-in-law forced her to take abortive pil. There is, however, no external injury on any part of the body of the victim/wife. The present petitioner is the husband of the informant and as usual, multiple allegations have been made

against the husband and all the members of the family of in-laws to rope in all.

3. Regard being had to the facts and submission, 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 in the event of his 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.
4. 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.
5. Accordingly, the prayer for anticipatory bail is allowed.
6. The application being **CRM (A) 3811 of 2023** is disposed of.
7. 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.)

