

29.11.2023
Sr. No. 47.
AB
Court 28
[ALLOWED]

C. R. M. (A) 4511 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Krishnanagar Women Police Station Case No.72 of 2023 dated 24.07.2023 under Sections 498A/323/325/376(2)(n)/313/406/506/34 of the Indian Penal Code read with Sections 3/4 of the D. P. Act

In Re: ***Rafikul Mallikck @ Rafijul Mallick & Ors.***

... ... Petitioners.

Mr. Kusal Kr. Mukherjee,
Ms. Pranidhi Singh for the Petitioners.

Mr. S. S. Imam,
Mr. R. Jana for the State

1. Heard the learned lawyers for the parties.
2. Petitioners submit there was a dispute between the couple and the petitioners who are the in-laws of the victim housewife have been falsely implicated. Other in-laws have been granted anticipatory bail. They pray for similar relief.
3. Learned lawyer for the State submits that petitioner nos.1 and 2 gave abortion pills to the victim resulting in miscarriage. Her little finger was fractured.
4. We have considered the materials on record. Allegation of miscarriage was in 2015 whereas the first information report came to be registered in 2023. Inordinate delay in lodging first information report with regard to alleged administration of pills for miscarriage renders the accusation suspect. Other allegations against the petitioners are general and omnibus. Co-accused persons

have been granted anticipatory bail. Accordingly, we are inclined to grant bail to the petitioners.

5. Accordingly, we direct that in the event of arrest, the petitioners, namely, (i) Rafikul Mallikck @ Rafijul Mallick, (ii) Lalbanu Bibi, (iii) Ajenur Bewa @ Ghoti Bewa, (iv) Tahar Sk. @ Kahar Sk, (v) Baharali Sk. @ Bahar Sk., (vi) Anoyar Sk. @ Anur Sk., (vii) Sakher Bibi be released on bail upon furnishing a bond of Rs.10,000/-each, with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and they shall appear before the court below and pray for regular bail within four weeks from date.
6. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)