

18.01.2023
Serial no. 2 & 12
[Dd]
(Anticipatory bail)
(Rejected)

CRM (A) 6013 of 2022

In the matter of : **Nitya Nanda Bandypadhyay & Anr.**
... ..Petitioners

With
CRM (A) 207 of 2023

In the matter of : Prasenjeet Bandhopadhyay
... ..Petitioners

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Berhampore** Police Station Case No. **1201** of **2022** dated **09.09.2022** under Sections **498A/326/406/313/34** of the Indian Penal Code and 3/ 4 DP Act.

-And-

Mr. Pratip Kr. Chatterjee, Advocate
... .. For the Petitioners

Mr. Saibal Bapuli, Id. APP
Ms. Sayanti Santra, Advocates
... ..For the State in CRM (A) 6013 of 2022

Ms. Kum Kum Mitra, Advocate
... ..For the State in CRM (A) 207 of 2023

Mr. Sabir Ahmed,
Mr. Biswajit Sarkar,
Ms. Suman Biswas, Advocates
.. ..For the de facto complainant

Two applications for anticipatory bail are taken up analogously as they emanate out of the same police case.

Learned advocate appearing for the petitioners submits that the petitioners were falsely implicated. The victim was in the matrimonial home for nearly 2 months. The petitioners are ready and willing to return the Streedhan articles. An amount of Rs.4,80,000/- was given as Streedhan which will be refunded shortly.

Learned advocate appearing for the de facto complainant is represented.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. She submits that the materials in the case suggest that the victim underwent an abortion.

Learned advocate appearing for the de facto complainant submits that apart from a sum of Rs.4,80,000/- which is admitted by the petitioners as Streedhan, gold ornaments and articles were also given.

There are materials in the case diary suggesting that there was a pregnancy of the victim on March 11, 2022. There are also medical reports to suggest that the victim suffered trauma at the abdomen.

At this stage, the allegations under Section 313 of the Indian Penal Code, 1860 cannot be overlooked. Materials in the case diary suggest that all the petitioners are complicit. Streedhan articles are yet to be returned.

In such circumstances, we are unable to grant anticipatory bail to the petitioners in both the applications.

Prayers for anticipatory bail of the petitioners in both the applications are **rejected**.

CRM (A) 6013 of 2022 and CRM (A) 207 of 2023 are **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)