

10.04.2024
Item No.53
AD/SD
Court No.28
(Allowed)

C.R.M. (A) No. 1211 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Krishnagar-Kotwali** Police Station Case No. **1288 of 2023** dated **30.12.2023** under Sections **498A/325/313/34** of the Indian Penal Code, 1860 pending before the Learned Chief Judicial Magistrate at Krishnagar at Nadia. (G.R. Case No.6246 of 2023)

And

In Re : Sanjib Saha

..... petitioner

Mr. Sumanta Das
Ms. Atreyaa Halder

.....for the petitioners

Mr. Subrato Roy
Mr. Uttam Kumar Roy

....for the State

1. Petitioner submits the allegation of miscarriage of unborn child is false. The foetus was dead and had to be aborted. Accordingly, he prays for anticipatory bail.
2. Learned lawyer for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record. Petitioner is the husband of the victim lady. Allegations of torture are *general* and *omnibus*. With regard to miscarriage, we note the foetus was dead and had to be aborted for medical reasons.
4. Under such circumstances, we are of the opinion though custodial interrogation is not necessary petitioner requires to cooperate with the investigation in accordance with law.
5. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a

bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that he shall appear before jurisdictional Court and pray for regular bail within a period of four weeks from date and on further condition that he shall meet the Investigating Officer once a week until further orders.

6. The prayer for anticipatory bail of the petitioner is allowed.
7. **C.R.M. (A) No. 1211 of 2024** is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)