

12.04.2024
Item No.107
Court No.28
CHC
Allowed

C.R.M. (A) 1250 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Lalgola Police Station Case No. 65 of 2024 dated 02.02.2024 under Sections 498A/307/313/34 of the Indian Penal Code, 1860 and Sections 3 & 4 of the Dowry Prohibition Act, 1961 pending before the Learned Chief Judicial Magistrate, Murshidabad.

And

In Re : Md Esrail Haque @ Md Israil Hoque petitioner

Mr. Somopriya Chowdhury,
Mr. Dipayan Dan

.....for the petitioner

Mr. Atif Ahmed Siddiqui

....for the State

Mr. Robiul Islam,
Mr. Raju Mondal

....for the de facto complainant

1. Petitioner is the husband of the victim lady. Allegation of torture and miscarriage are out and out false. He prays for anticipatory bail.
2. Learned lawyer for the State opposes the prayer of anticipatory bail.
3. Learned lawyer for the de facto complainant also opposes the prayer for anticipatory bail.
4. We have considered the materials on record. It is alleged that petitioner had poured deleterious

substance in the mouth of the victim resulting in miscarriage. However, this allegation is not supported by contemporaneous medical report. Allegation of torture is general and omnibus in nature. In view of the aforesaid facts, we are of the view that custodial interrogation is not necessary. Hence, we are inclined to grant anticipatory bail to the petitioner.

5. Accordingly, we direct that in the event of arrest the petitioner, namely, Md. Esrail Haque @ Md Israil Hoque 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 the court below and pray for regular bail within a period of four weeks from date and on further condition that petitioner will cooperate with the investigation.

6. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

