

08.07.2024
SL No.23
Court No.29
(gc)
(Allowed)

CRM (A) 2205 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Jorasanko Police Station Case No.31 of 2024 dated 21.02.2024 under Sections 376/417/313/506/509/34 of the Indian Penal Code.

And

In the matter of : **Dr. Md. Mujahid**

- Petitioner.

Mr. Subhajit Chowdhury,
Mr. D. Kar

....For the Petitioner.

Mr. Joydeep Roy,
Mr. Dattatreya Dutta

... For the State.

1. In spite of service, the de facto complainant is not represented.
2. The petitioner is a doctor by profession and he was one of the signatories to the consent form along with Md. Aman before the abortion.
3. We have carefully read the statement of the victim recorded under Section 164 of the Cr.P.C. and the materials available in the case diary. It is not in dispute that Md. Aman has been granted anticipatory bail by the Coordinate Bench in C.R.M. (A) 1234 of 2024. In the said order dated 22nd April, 2024, an observation was made that documents of forceful miscarriage in the case diary suggest that the petitioner and the de facto complainant consulted a doctor.

4. Under such circumstances, we are of the view that the custodial interrogation of the petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Dr. Md. Mujahid**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, 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. The petitioner shall meet the Investigating Officer once in a week till the conclusion of the investigation. The petitioner shall appear on every date before the Jurisdictional Court on and from the date fixed for appearance of the accused and in default the Jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.
6. Accordingly, the application for anticipatory bail is disposed of.
7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)