

09.07.2024
Court No.29
Item No. 42

Allowed

sg

CRM (A) 2255 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Domkal Police Station Case No. 158 of 2024 dated 08.03.2024 under Sections 498A/313/34 of the Indian Penal Code, pending before the learned Chief Judicial Magistrate, Berhampore, Murshidabad.

And

In Re: **Milon Mondal @ Milan Mondal & Anr.**
Petitioners

Ms. Minoti Gomes
Md. Golam Nure Imrohi

For the Petitioners

Mr. Imran Ali
Ms. Debjani Dasgupta

For the State

1. Affidavit of service filed in Court is taken on record.
2. In spite of service, the de-facto complainant is not represented.
3. The petitioner no.1 is the husband and the petitioner no.2 is the married sister-in-law of the de-facto complainant. It appears that the petitioners were earlier granted bail upon surrender in relation to the earlier case filed by the de-facto complainant registered under Section 498(A)/34 of the Indian Penal Code. Subsequent thereto, on 8th March, 2024, a fresh complaint was lodged with Section 313 IPC alleging that she suffered miscarriage due to assault by the petitioners.
4. The learned Counsel for the State has produced the case dairy and opposed the prayer for anticipatory bail.

5. From the medical report it appears that the allegation for miscarriage is directly attributed to the brother-in-law of the victim.
6. Considering the materials available in the case diary and the nature and extent of involvement of the petitioners in the commission of alleged offence, we are of the view that the custodial interrogation of the present petitioners is not necessary.
7. Accordingly, we direct that in the event of arrest the petitioners namely, **Milon Mondal @ Milan Mondal and Dilruba Bibi @ Dilruba Khatun**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of Arresting Officer, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure. The petitioner no.1 shall meet the I.O. once in a week till the submission of final report and the petitioner no. 2 shall cooperate with the investigation. The petitioner shall appear before the shall appear before the learned Chief Judicial Magistrate, Berhampore, Murshidabad, in connection with G.R. Case No. 1143 of 2024 within two weeks from date and thereafter shall appear on each and every date of hearing and.
8. In the event they fail to comply with any of the conditions as mentioned hereinabove, the trial court shall be at liberty to cancel their bail automatically without any reference to this court.
9. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
10. CRM (A) 2255 of 2024 is, thus, disposed of.
11. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)