

08.08.2024
Court No.29
Item No. 20

Allowed

sg

CRM (A) 2725 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Palashipara Police Station Case No. 343 of 2024 dated 11.07.2024 under Sections 498A/315/34 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Tehatta, Nadia.

And

In Re: **Rathin Mondal & Ors.**

Petitioners

Mr. Dipankar Mandal
Mr. Abdul Aziz Mondal

For the Petitioners

Mr. Arnab Chatterjee
Mr. Subhajit Chowdhury

For the State

Mr. Amanul Islam
Mr. Sourav Mukherjee

For the de-facto complainant

1. Affidavit of service filed in Court is taken on record.
2. The learned Counsel for the petitioners submits that the petitioners have been falsely implicated and they are innocent. It is submitted that the petitioner no.1 is the husband, petitioner nos. 2 and 3 are the parents-in-law and petitioner no.4 is the brother-in-law of the victim.
3. We have heard the learned Counsel for the State and the defacto complainant. The State has produced the case diary. It appears from the case diary that the doctor has opined that the miscarriage is not due to physical injury, it could be due to genetic or hormonal problem.

4. Considering the materials available in the case diary more and having regard to 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 are not necessary.
5. Accordingly, we direct that in the event of arrest the petitioners namely, **Rathin Mondal, Swapan Mondal @ Swapan Mandal, Puspa Mondal @ Puspa Mandal and Ratan Mondal**, 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 corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita. The petitioner nos. 1, 2 and 4 shall meet the I.O. once in a week till the submission of final report and the petitioner no. 3 shall cooperate with the investigation. The petitioners shall appear before the learned Additional Chief Judicial Magistrate, Tehatta, Nadia within two weeks from date.
6. In the event the petitioners fail to comply with any of the conditions as mentioned above, the trial court shall be at liberty to cancel their bail in accordance with law without any further reference to this Court.
7. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
8. 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.)