

01.10.2024
SL No.53
Court No.29
(gc)
(Allowed)

CRM (A) 3527 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Criminal Procedure Code, 1973 read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Gobardanga Police Station Case No.187 of 2024 dated 23.06.2024 under Sections 498A/406/506/313/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

And

In the matter of : **Asish Nag**

- Petitioner.

Mr. Amit Roy

....For the Petitioners.

Mr. Debasish Ray, Ld. P.P.,

Mr. Sujoy Sarkar

... For the State.

1. The petitioner is the husband. It is submitted that due to matrimonial dispute, a false complaint has been lodged against the petitioner.
2. The learned Counsel for the State in opposing the prayer has referred to the FIR and the statement of the parents of the victim.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and the medical report in which the Doctor has opined that the possibility of congenital or chromosomal abnormality could be the cause of miscarriage, we are of the view that custodial interrogation of the petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioner namely, **Asish Nag**, 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 Cr.P.C., 1973 corresponding to Section 482(2) of the BNSS, 2023. The petitioner shall meet the I.O. once in a week till the submission of the final report.

5. It is also directed that the petitioner shall appear before the learned Additional Sessions Judge, Barasat in connection with G.R. Case No.2457 of 2024 by 8th October, 2024.

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.)