

04.01.2024
Sl.110
Court No.29
(AD)
(Partly
Allowed)

C.R.M. (A) 4556 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hingalganj** Police Station Case No.**206 of 2023** dated **02.09.2023** under Sections **341/323/325/307/313/354B/506/34** of the Indian Penal Code, 1860 (GR No.3573/2023).

And

In the matter of: **Puranjan Mridha & Ors.**

....petitioners.

Mr. Kallol Kumar Basu
Md. Jannat ul Firdous

... for the petitioners.

Mr. Arijit Ganguly
Mr. Avik Ghatak

...for the State.

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 16, 2023.

By such order, the Coordinate Bench granted interim anticipatory bail to the petitioners.

It is submitted at the bar that such order was passed without consulting the materials in the case diary and in view of the ensuing puja vacation.

We perused the materials in the case diary.

The victim underwent an abortion.

Abortion stands corroborated by medical evidence as also statement of the doctor treating her.

The victim in her complaint to the police claims the petitioner no.1 as the person who kicked her on the abdomen leading to her abortion.

In view of the specific role being attributed to the petitioner no.1, namely, Puranjan Mridha, we are unable to confirm the interim order dated October 16, 2023 so far as he is concerned.

Accordingly, the prayer for anticipatory bail of the petitioner no.1, namely, Puranjan Mridha, is rejected.

So far as the others, that is, petitioner nos.2 to 4 are concerned, apparently, they are involved in assailing the father-in-law of the victim who apparently did not suffer any grievous hurt.

In such circumstances, we confirm the interim order dated October 16, 2023 so far as the other petitioners, that is, petitioner nos.2 to 4 are concerned.

Accordingly, we direct that in the event of arrest, the petitioner nos.2 to 4 shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner nos.2 to 4 will report before the Investigating Officer once a month till the conclusion of the investigation and on condition that the petitioner nos.2 to 4 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 nos.2 to 4 in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner nos.2 to 4 is allowed.

C.R.M. (A) 4556 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)