

05.01.2024

Sl.21
Court No.29
(AD)
(Rejected)

C.R.M. (A) 4579 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Pandua** Police Station Case No.**214 of 2023** dated **29.04.2023** under Sections **498A/323/326/313/307/406/34** of the Indian Penal Code, 1860, corresponding to G.R. Case No.1169 of 2023.

And

In the matter of: **Sk. Mainul Hasan @ Moinul Sk.**

....petitioner.

Mr. Suman Chakraborty

... for the petitioner.

Mr. Bidyut Kumar Roy

Ms. Rita Datta

...for the State.

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

By such order, the interim anticipatory bail was granted to the petitioner.

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

We considered the materials in the case diary.

Although, co-accused were enlarged on anticipatory bail by the Coordinate Bench, we find that, the petitioner is the husband and stands on a different footing.

There are materials in the case diary suggesting that the de facto complainant underwent abortion. She recorded statement implicating the petitioner in assaulting her in the abdomen leading upto the abortion.

Considering the gravity of the offence and the involvement

of the petitioner in the incident, we are unable to confirm the interim order dated October 16, 2023 or grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

C.R.M. (A) 4579 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)