

08.01.2024

Serial no. 151

Anticipatory bail

[Allowed]

Dd

CRM (A) 4775 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Barjora** Police Station Case No. **141** of **2023** dated **05.09.2023** under Sections **498A/313/406** of the Indian Penal Code, 1860 and 3/ 4 of Dowry Prohibition Act.
(G.R. Case No. 1263 / 2023)*

-And-

*In the matter of : **Sudip Mondal***

*... .. **Petitioner***

Mr. Soumik Ganguly, Advocate

... .. For the Petitioner

Mr. Pravas Bhattacharya,

Mr. MFA Begg , Advocates

... ..For the State

Petition is taken up for consideration subsequent to order dated October 17, 2023.

By such order, interim anticipatory bail was granted by the co-ordinate Bench.

It is submitted at the Bar that the co-ordinate Bench did not consider the materials in the case diary and passed such order in view of the ensuing Puja vacation.

We perused the materials in the case diary. It appears from the medical documents annexed to the petition that, the de facto complainant was suffering from Pelvic inflammatory disease affecting uterus and adnexa.

The case diary contains medical documents suggesting that, the de facto complainant conceived and that there was a single fetus of the de facto complainant.

As to whether, the medical condition, under which, the de facto complainant was being treated prior to her conceiving,

was the reason for her miscarriage or not is an issue which is required to be decided at the trial, if raised.

Since the de facto complainant was being treated in the manner as appearing from the medical document annexed to the application, we confirm the interim order granted on October 17, 2023.

Consequently, we grant anticipatory bail to the petitioner.

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

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 4775 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

