

04.04.2025
Court No.28
Item No.20
tbsr
Allowed

CRM (A) 1086 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 And Section 438 of the Code of Criminal Procedure in connection with **Gangarampur** P.S. Case No.**167 of 2024** dated **11.04.2024** under Sections **498A/313/323/34** of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act.

And

In the matter of: **Prabir Karmakar**

....Petitioner.

Mr. Kaushik Choudhury

...for the petitioner.

Mr. Sanjoy Bardhan

Ms. Puspita Saha

.....for State

Learned counsel appearing on behalf of the petitioner submits as follows. About one month after leaving the matrimonial home, the petitioner filed an FIR alleging offences, *inter alia*, 498A and 313 of the Penal Code. She alleged that she was taken to a hospital and her fetus was aborted without her consent.

Learned counsel appearing on behalf of the State relies on the case diary and submits as follows. In the consent paper for abortion, the husband's signature is present. The doctor has given a response saying that when the victim lady came to the hospital she did not protest. They took it as an implied consent.

From the statement of a neighbor, it appears that the CWC had given custody of the first child to the petitioner.

In view of the materials available in the case diary including the medical documents and the statement of a neighbor, I do not think that custodial interrogation of the petitioner is required in this case.

Accordingly, I direct that in the event of arrest, the petitioner 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 be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further conditions that the petitioner shall cooperate with the investigation and meet the I.O. once a fortnight till the conclusion of investigation. The petitioner shall also not threaten or intimidate witnesses, in which event the jurisdictional Court shall be at liberty to take appropriate steps.

The application for anticipatory bail is, thus, allowed.

(Jay Sengupta, J.)