

19.05.2025
Court No.28
Item No.38
ssi

CRM (A) 1588 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Barasat Women PS Case No.**50 of 2025** dated **14.04.2025** under Sections **85/316 (2)/115(2)/3(5)/351 (2)** of the BNS 2023.

And

In the matter of: **Akhil Kumar Mondal & others.**

....Applicants/Petitioners.

Mr. Susnigdho Bhattacharyya

...for the petitioners

Mr. N. Acharyya

Mr. Ankush Ghosh

...for the de facto

Ms. Sayanti Santra

Mr. Asraf Mondal

..for the State

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the father in law, the husband and the mother in law of the alleged victim. It was only after a divorce petition was filed by the husband that the present FIR was registered. The termination of pregnancy was done due to medical reason as would be evident from relevant documents.

Learned counsel appearing on behalf of the de facto complainant opposes the prayer for anticipatory bail and submits that the incident happened within one year and three months of marriage. There was continuous torture for demand for dowry. The petitioner no.2 was the doctor in the same hospital where the termination of pregnancy was done. Stridhan articles are lying with the petitioners.

Learned counsel appearing on behalf of the State relies on the materials available in the case diary and submits that a prima facie case is made out.

It appears from the medical documents available in the case diary that a chromosomal analysis of the foetus was also done. It was recorded that the anomaly scan at 20 weeks 6 days showed cystic hygroma and ill defined cystic lesion was seen inferior to left kidney.

Considering the nature of allegations and the materials available in the case diary, I do not think that custodial interrogation of the petitioners is required in this case.

Accordingly, the prayer for anticipatory bail to the petitioners is allowed.

In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 petitioners shall not threaten or intimidate witnesses and shall co-operate with investigation.

The application for anticipatory bail is, thus, disposed of.

(Jay Sengupta, J.)