

17.06.2026
Sl. No. 36
AMR
Ct.No.28

CRM(A) 1560 of 2026

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023.

And

In the matter of : Dr. Rabindranath Mondal

.... Petitioner

Mr. Manojit Bhattacharyya
Ms. Sumitra Neogi
Mr. Diptoraj Chakraborty
Ms. Mahua Naskar

...for the Petitioner

Mr. Dr. Pradip Banerjee
Ms. Samira Grewal

...for the State

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a qualified doctor, who had performed a procedure on the alleged victim. Without following the principle laid down by the Hon'ble Apex Court in Jacob Mathew's case reported in (2005) 6 SCC 1, the FIR was registered and the proceeding initiated by the husband of the victim under Sections 106(1)/318(4)/61(2) of the BNS, 2023 read with Section 27(2) of the Clinical Establishments (Registration and Regulation) Act, 2010. The only non-bailable provision seems to be of cheating. The petitioner is not at all responsible for the death of the victim.

Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for anticipatory bail. He refers to the statements of the witnesses and the other medical papers present in the case diary. The enquiry report regarding the death of the victim was submitted by the Deputy Chief Medical Officer of Health-III, Purba Bardhaman. The content in that report was that the LUCS was done in a Nursing Home by the doctor. He was on hospital duty as per roster. There was a lapse in post operative monitoring and management of complications following LUCS. The negligence and the delay in appropriate intervention were contributory factors associated with the death.

Considering the above, the other materials available in the case diary, the fact that charge sheet has been submitted and the contention of the petitioner that his action could not have contributed to the death, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, 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 Investigating Officer/Arresting Officer and subject to the conditions as laid down under Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner shall not threaten or

intimate witnesses and shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities. .

(Jay Sengupta, J.)