

***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

26.08.2019.
25.
as
(Allowed).

C.R.M. 717 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 20.08.2019 in connection with Alipurduar Women P. S. Case No.60 of 2019 dated 04.07.2019 under Sections 498A/313/354 of the Indian Penal Code.

In the matter of : Anima Chowdhury & Ors.
... Petitioners.

Mr. Arijit Ghosh.
...for the Petitioners.

Mr. Sourav Ganguly,
Ms. Namrata Das.
.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioners that the petitioner no.1 is the mother-in-law of the victim housewife and the allegation of miscarriage is out an out false.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits that the victim was subjected to torture and had miscarried in 2013.

We have considered the materials on record. We note that there is considerable delay in lodging the first information report since the alleged miscarriage which

occurred in 2013. The allegation of contemporaneous physical assault is not supported by medical papers.

Under such circumstances, we are inclined in granting anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners viz., Anima Chowdhury, Bhaskar Chowdhury and Sangita Chowdhury shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners shall appear before the trial court and pray for regular bail within four weeks from date.

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

(Manojit Mandal,J.)

(Joymalya Bagchi, J.)