

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

24.09.2021

Court No.01
rpan / **09**

C.R.M. 842 of 2021

In Re:- An application for anticipatory bail under section 438
of the Code of Criminal Procedure;

And

In Re : **Sishu Gopal Roy & 3 Others**

- Petitioners.

Mr. Debajit Kundu

... for the petitioners.

Mr. Arun Kumar Sarkar,

Ms. Namrata Das

... for the State.

Apprehending arrest in connection with NJP Police Station Case No.650 of 2021 dated 23.06.2021 under Sections 341/325/313/34 of the Indian Penal Code, the petitioners have filed the present application.

Mr. Kundu, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated in the alleged incident. No overt act has been attributed to the petitioners. The alleged incident occurred on 6th June, 2021. However, the complaint had been lodged on 23rd June, 2021. Four members of the family had been roped in merely on the basis of suspicion. In view thereof, custodial interrogation of the petitioners is not necessary.

Mr. Sarkar, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary, including the injury report and the statements of the witnesses recorded under Section 161 of the Code. He further submits that the *de facto* complaint was pregnant at the time of the alleged incident and due to the assault suffered, her child had to be aborted.

Investigation has yet not been concluded and as such, the petitioners are not entitled to the relief, as prayed for.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, including the injury report and the statements of the witnesses, the nature of accusations and the extent of complicity, we are not inclined to exercise any discretion in favour of the petitioner nos.1 and 2, namely, **Sishu Gopal Roy** and **Sudeb Roy @ Shub Deb Roy** respectively and as such, their prayer for anticipatory bail is refused

However, the petitioner nos.3 and 4 are women and *prima facie*, there is no likelihood that they would flee from justice or would interfere with the investigation. In view thereof, their prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioner nos.3. and 4, namely, **Akhi Roy** and **Sohagi Roy** respectively 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM 842 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Abhijit Gangopadhyay, J.) (Tapabrata Chakraborty, J.)