

CRM (A) 1199 of 2022

In re: An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 08.03.2022 in connection with Patiram P.S. Case No.37 of 2022 dated 18.02.2022 under Sections 493/376 of the Indian Penal Code.

-And-

In the matter of : **Joy Ghosh @ Jay Ghosh**

... ..Petitioner

Mr. Kaushik Chaudhury, Advocate

Ms. Busra Khatun, Advocate

... .. For the Petitioner

Mr. Sudip Kumar, Advocate

... .. For the State

Petitioner seeks anticipatory bail.

Petition is taken up for consideration subsequent to the order dated March 14, 2022. Noticing the statement of the victim recorded under Section 164 of the Code of Criminal Procedure alleging abortion, State was called upon to produce the medical evidence with regard thereto, if there be any.

Learned Advocate appearing for the State submits that contemporaneously there was no medical evidence with regard to the allegations of abortion. After the order dated March 14, 2022, the Investigating Officer called upon the victim to produce the documents in support of such allegation. But the victim did not turn up to do so.

Considering the gravity of the offence and the involvement of the petitioner therein and considering the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and considering the fact that her allegations of abortion is yet to be corroborated by relevant materials, we deem it appropriate to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), 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 petitioner will report before the Investigating Officer once in a month till the conclusion of the investigation and on condition that the petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail is allowed.

CRM (A) 1199 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)