

30.09.2022

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Aloke

C.R.M. (A) No. 4626 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 790 of 2022 dated 23.07.2022 under Sections 341/307/313/323/34 of the Indian Penal Code.

And

In Re : **Mahatab Ali & Anr.**

..... petitioners

Mr. Arup Kr. Bhowmick

.....for the petitioners

Mr. Binay Panda

Mr. Subham Bhakat

....for the State

We have considered the materials on record.

The statement of the witnesses show the petitioner no. 1 kicked the abdomen of the victim. As a result, she miscarried.

In view of the involvement of the petitioner no. 1 in the crime, we are not inclined to grant anticipatory bail to him.

However, keeping in mind the extent of complicity of the petitioner no. 2 in the offences and as the possibility of her false implication due to animosity cannot be ruled out, we are inclined to grant anticipatory bail to petitioner no. 2

Accordingly, we direct that in the event of arrest the petitioner no. 2 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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 on

condition that the petitioner no. 2 shall appear before the court below and pray for regular bail within a period of four weeks from date.

The application for anticipatory bail of petitioner no. 2 is, thus, allowed.

The application for anticipatory bail of petitioner no. 1 is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)