

20.
10-01-2022
(ct. no.01)
debajyoti

CIRCUIT BENCH OF CALCUTTA HIGH COURT AT JALPAIGURI

(Via Video Conference)

CRM(A) 25 of 2022

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Dinhata Women Police Station Case No.53 of 2021 dated 23-07-2021 under Sections 498A/313/506 of the Indian Penal Code.

- A n d -

In the matter of : Tripti Das @ Tripty Das & Anr.

.... Petitioners.

Mr. Kallol Mondal

... For the Petitioners.

Mr. Abhijit Sarkar,
Mr. Biswarup Roy

... For the State.

The charges are under Sections 498A, 313 and 506 of the Indian Penal Code.

The petitioners state that they have no role to play in the alleged incident of miscarriage of the victim lady. They say that due to a medical requirement, the victim lady's pregnancy had to be terminated.

Learned prosecution counsel opposes the prayer for anticipatory bail seriously and produces the Case Diary.

We have perused the material in the Case Diary including the Ultrasound report and the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure. The statement of the victim lady reveals that there was serious physical torture and miscarriage happened twice as a result thereof.

We also note that Charge Sheet is yet to be submitted and investigation is in progress.

Considering the material on record and on an overall assessment of the facts and circumstances of the case, we are not inclined to extend the privilege of anticipatory bail to the petitioners.

In view of the above, the application for anticipatory bail being CRM(A) 25 of 2022 is **dismissed**.

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

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)