

47. 01.06.2023
Ct.8 jb/Tanmoy

Rejected

C.R.M. (A) 2169 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, in connection with Basirhat P.S. Case No. 395/22 dated 16.06.2022 under Sections 447/341/325/313/506 of the Indian Penal Code.

And

In the matter of: - **Rakesh Gazi**

....petitioner.

Mr. Ashok Chowdhury,
Mr. O. Chowdhury

...for the petitioner.

Mr. Md. Anwar Hossain,
Mr. N. Dhali

...for the State.

Learned Advocate for the petitioner submits that the petitioner has been falsely implicated in connection with the instant case due to dispute relating to common passage and land.

Mr. Anwar Hossain, learned Advocate appears on behalf of the State and produces the medical documents which have been collected. According to him, the victim suffered miscarriage because of the act of the petitioner.

We have perused and assessed the documents and we are unable to satisfy ourselves regarding the complicity of the petitioner arising from the medical documents. It is only in the statement recorded under Section 161 of the Code of Criminal Procedure, 1973 that there are certain allegations. Further, the incident is of May 17, 2022 and the medical documents are after

a week from the said date. It has also been submitted that charge-sheet has been filed before the jurisdictional Court.

In view of the aforesaid, we direct that in the event the petitioner surrenders before the jurisdictional Court within a fortnight from date, the learned Magistrate would consider whether custodial detention of the petitioner is required in the facts and circumstances of the case and decide his application for bail in the background of such facts.

With the aforesaid observation, the application for anticipatory bail being C.R.M. (A) 2169 of 2023 is disposed of.

(Supratim Bhattacharya, J.)

(Tirthankar Ghosh, J.)