

25.07.2023
SL. 14
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 2506 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Domkal** Police Station Case No. **178** of **2023** dated **17.03.2023** under Sections **376(2)(L)/506** IPC.

And

In the matter of: **Firoz Sk @ Hossain @ Tipu & Ors.**

....petitioners.

Mr. Amitabha Karmakar
Mr. Arnab Kr. Neogi

...for the petitioners.

Mr. Joydeep Roy
Mr. Amanul Islam

...for the State.

Mr. Susnigdho Bhattacharyya
Ms. Bidisha Chakraborty

... for the defacto complainant.

1. Heard learned Counsel for the parties.
2. The petitioners are not the principal accused so far as offence under Section 376(2)(l) IPC is concerned. The allegation against the petitioners is that they made an attempt to take the victim girl for abortion. The medical examination report of the victim which took place after two months of the occurrence is, however, silent about any such abortion.
3. Victim being a mentally retired girl, the petitioners might have advised the father (informant) of the victim to go for abortion to save her from public shame. The question be best left to the wisdom of the learned trial court to decide about the implication of the present petitioners.
4. Regard being had to the facts and submission, factum of permanent residence of the petitioners, nature of allegation, nature of evidence and substantial progress in investigation,

it is directed that each of the petitioner shall be released on bail in the event of their arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

5. The petitioners are directed to appear before the I.O. within 21 days from today along with a server copy or certified copy of this order.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 2506 of 2023** is disposed of.
8. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

