

04.08.2023
Sl. No.6
akd
[Rejected]

C. R. M. (A) 2825 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 04.07.2023 in connection with Baishnabnagar Police Station Case No.769 of 2022 dated 28.08.2022 under Sections 323/324/354/326/379/313/34 of the Indian Penal Code. (G.R. Case No.5422 of 2022)

And

In Re: ***Kalpana Mandal & Anr.***

... .. Petitioners

Mr. Mrityunjoy Chatterjee

... .. for the petitioners

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor

Ms. Ayantika Ray

... .. for the State

It is submitted on behalf of the petitioners that petitioner no.1 and others had been falsely implicated in a rape case. After their release on bail, petitioners have been falsely implicated in the instant case. Accordingly, they pray for anticipatory bail.

Learned Additional Public Prosecutor opposes the prayer for anticipatory bail and submits petitioners had assaulted a pregnant victim. As a result, she miscarried.

We have considered the materials on record. It appears that the principal accused had cohabited with the victim on the false promise of marriage. She became pregnant. Petitioner no.1 was arrested in an earlier case. Subsequently, she had been released on bail. Statements of witnesses and medical report show petitioners and their associates brutally assaulted the pregnant victim. As a result, she miscarried. In view of gravity of the offence, we are of the opinion this is not a fit case to grant anticipatory bail to the petitioners.

Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)