

25.09.2023

SL. 14

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 3716 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Harishchandrapur** Police Station Case No. **479 of 2023** dated **26.05.2023** under Sections **448/323/325/313/506/509/34** of the IPC.

And

In the matter of: **Chotu Bibi @ Majeda Bibi @ Majeda & Anr.**

....petitioners.

Mr. A. Das

Mr. A. Sarkar

Mr. S. Mukherjee

...for the petitioners.

Mr. Tanmoy Kr. Ghosh

Mr. Asraf Mondal

...for the State.

1. Heard learned Counsel for both the parties.
2. The allegation as made out in the written complaint is that on account of village rivalry the victim who is a partially disabled person and at that time pregnant was assaulted by the present petitioners and two other co-accused persons as a result of which she suffered miscarriage.
3. On perusal of the statement of the victim, we find the allegation of assault upon the victim is against one Firdosi Khatun and one Afsana Bibi. We also noticed that there is no whisper in such statement about the names of the present petitioners. From the medical papers as collected by the I.O. as available in the C.D., we do not find any material at least *prima facie* to substantiate the allegation of commission of offence under Section 313 Cr.P.C. by the present petitioners.
4. Regard being had to such facts and submissions, 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 by the Arresting Officer in the event of their arrest 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 concerned Arresting Officer is hereby directed to act upon the server copy of this order.
6. Within 21 days from today each of the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 3716 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

