

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

15.12.2023
Sl. No.26
[ALLOWED]
as

C. R. M. (A) 1022 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Dhupguri Police Station Case No. 497 of 2023 dated 03.10.2023 under Sections 493/494/313/420/323 of the Indian Penal Code read with Section 75 of J. J. Care and Protection of Children Act.

In Re: ***Promoth Chandra Barman @ Promad Chandra Barman.***

... .. Petitioner

Mr. Subhasish Misra,
Mr. Swarup Das,
Mr. Satyajit Paul.

... .. for the petitioner

Mr. Biswarup Roy.

... .. for the State

1. Petitioner submits he is a member of the Central Arms Police Force. He developed intimate relationship with a widow, who is the de-facto complainant. Allegation of miscarriage or torture on the widow and her minor son are an out and out false. He prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail. He contends that the de-facto complainant who is a widow was tortured and forced to miscarry.
3. We have considered the materials on record. Victim lady was an adult lady at the time of cohabitation. Allegations of torture are general and omnibus. There is no clinching material to show that she was subjected to forcible abortion by the petitioner.
4. Under such circumstances, we are of the opinion progress of investigation does not require custodial interrogation but petitioner requires to co-operate with the investigation in accordance with law.

5. Accordingly, we direct that in the event of arrest, the petitioner ***Promoth Chandra Barman @ Promad Chandra Barman*** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that petitioners shall meet the Investigating officer of the case once in a week until further orders.

6. The application for anticipatory bail is, thus, disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)