

10.06.2024
Court No.29
Item No. 41

Allowed

sg

CRM (A) 1778 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Karandighi Police Station Case No. 599 of 2023 dated 24.10.2023 under Sections 376/354C/313/506/34 of the Indian Penal Code.

And

In Re: **Sailen Singha & Anr.**

Petitioners

Mr. Jayanta Narayan Chatterjee
Mrs. Moumita Pandit
Mr. Supreem Naskar
Ms. Jayashree Patra
Ms. Sreeparna Ghosh
Ms. Ritushree Banerjee
Ms. Pritha Sinha

For the Petitioners

Mr. Partha Pratim Das
Ms. Piya Goswami

For the State

Mr. Amit Roy

For the de-facto complainant

1. The affidavit of service filed in Court is taken on record.
2. The petitioners are the parents of the principal accused.
3. Mr. Jayanta Narayan Chatterjee, leaned Counsel appearing on behalf of the petitioners submits that the petitioners are innocent and the principal accused is on bail.

4. The learned Counsel for the de-facto complainant, in opposing the prayer for anticipatory bail, has submitted that the petitioners are instrumental in administering poison which resulted miscarriage.
5. The learned Counsel for the petitioners produces the case diary and submits that the first urine report shows the victim as conceived. However, subsequently, the next report would show miscarriage but no definite opinion can be formed at this stage with regard to cause of such miscarriage.
6. Considering the materials available in the case diary, the complicity of the petitioners in the commission of alleged offence and the fact that the principal accused is on bail and that the victim in her statement recorded under section 164 Cr.P.C has not directly implicated the petitioner and the fact that the charge-sheet has already been filed, we are of the view that custodial interrogation of the present petitioners is not necessary.
7. Accordingly, we direct that in the event of arrest the petitioners, namely, **Sailen Singha** and **Asha Singha**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. The petitioners shall appear before the learned Trial Court within two weeks from date and shall attend the court on each and every date.
8. In the event of non-compliance of any of the conditions, the learned Trial Court shall issue non-bailable warrant of arrest against the present petitioners.
9. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
10. CRM (A) 1778 of 2024 is, thus, disposed of.
11. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)