

24.01.2024

Serial no. ML 354

Anticipatory bail

[Rejected]

Dd

CRM (A) 5047 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Chakdaha** Police Station Case No. **468** of **2023** dated **18.07.2023** under Sections **195A/325/313/506/34** of the Indian Penal Code, 1860.
(G.R. Case No. 1062 /2023)*

-And-

In the matter of : **Bhagabati Dey Sarkar @ Vagabati Dey Sarkar & Ors.**

... ..**Petitioners**

Ms. Minoti Gomes,
Ms. Dona Sanyal, Advocates
... .. For the Petitioners

Mr. Swapan Banerjee,
Ms. Purnima Ghosh, Advocates
... ...For the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that the de facto complainant lodged a previous police complaint, *inter alia*, under Section 498A where police filed charge sheet. Petitioners are on bail in such police case and present police complaint was lodged after a year was passed under Section 156(3) of the Criminal Procedure Code.

Learned advocate for the State draws the attention of the Court to the materials in the case diary.

The petitioners were enlarged on bail by the jurisdictional Court on June 28, 2022 in the previous police complaint involving, *inter alia*, under Section 498A of the Indian Penal Code, 1860.

Thereafter, an incident of assault took place where, the all the petitioners stand implicated by independent witnesses.

Doctor examining the de facto complainant stated that, an abortion was required to be performed on the de facto complainant.

The incident of assault took place subsequent to the petitioners being on bail in the previous police complainant.

In such circumstances, we are unable to grant anticipatory bail to the petitioners.

Prayer for anticipatory bail of the petitioners is **rejected**.

CRM (A) 5047 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)