

12.06.2024
(D/L 6)
Ct. No.1
(Allowed)
(SKB)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

C.R.M.(A) 433 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Rajganj P. S. Case No.114 of 2024 dated 03.04.2024 under Sections 417/376/313/325/120B/379/34 of the Indian Penal Code pending before the court of the learned Chief Judicial Magistrate, Jalpaiguri.

In the matter of : Faruk Hossain

... Petitioner

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Mr. Shubham Kumar,
Ms. Rikta Sarkar,
Ms. Sayantani Das

... for the petitioner

Mr. Nilay Chakraborty, Id. APP
Mr. Tapan Bhattacharjee

... for the State

1. Heard learned Counsel for the petitioner and the learned APP.
2. The petitioner seeks pre-arrest bail.
3. The substance of the allegations made by the defacto complainant is that she was in a consensual relationship with the present petitioner for the past three years prior to lodging of the FIR. It has further been alleged that one year prior to lodging the FIR, she was pregnant and she was forced to terminate the pregnancy. The occurrence leading to lodging the FIR alleged brutal assault by the petitioner.

4. It is submitted by the learned counsel for the petitioner that the FIR itself discloses consensual relationship for the past three years, other than the statement made in the FIR, there is no material to show that the pregnancy was terminated one year back. The assault has also been found to be simple in nature as per the injury report which forms part of the case diary.
5. The learned APP has submitted that the injuries sustained by the victim have been found to be grievous injury.
6. Considering the rival submissions and also having regard to the fact that he is not having criminal antecedent, we find that it is a fit case where the petitioner is entitled to privilege of anticipatory bail.
7. In view of such facts and submission, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest arising out of the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition that the petitioner is directed to appear before the IO once in a fortnight on the day and time fixed by the IO for the purpose of investigation till submission of Final Form. The petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.

8. Accordingly, the prayer for the anticipatory bail is allowed.
9. Within 15 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
10. The application being CRM(A) 433 of 2024 is disposed of.
11. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Madhuresh Prasad, J.)

(Partha Sarathi Chatterjee, J.)