

JPD-206
Ct No.01
29.07.2024
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRM (A) 488 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Sahebganj** Police Station Case No. **260** of **2024** dated **28.04.2024** under Sections **448/325/326/307/506/34** of the **IPC**.

And

In the matter of: **Chhoban Ali Munshi @ Chhoban Munosi and another**

.... petitioners

Mr. Subhasish Misra,
Mr. Satyajit Paul

... for the petitioners

Mr. Abhijit Sarkar,
Mr. Biswarup Roy

... for the State

1. The petitioners contend that the complaint lodged against the petitioners is a backlash and a result of enmity in view of the previous complaints lodged by the petitioners against the alleged victim and her family.
2. Learned counsel for the State opposes the prayer for anticipatory bail and submits that it transpires from the statement of the victim recorded under Section 161 of the Code of Criminal Procedure that the two months' pregnancy of the said victim was aborted and there was a miscarriage due to the assault.
3. That apart, it is submitted that no prior complaint by the petitioners is reflected in the case diary itself.

4. Upon a perusal of the allegations and counter-allegations and the statements made in the present petition, we are of the opinion that the scope of counter-blast cannot be ruled out entirely. Moreover, we do not find any corroboration of grave injury of the alleged victim or anything to connect such injury with any act of the petitioners at this stage.
5. Accordingly, CRM (A) 488 of 2024 is allowed, thereby granting anticipatory bail to the petitioners on condition that the petitioners shall comply with the stipulations in Section 438(2) of the Code of Criminal Procedure.
6. In the event of arrest, the petitioners shall be enlarged on bail upon furnishing bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Investigating Officer (IO). That apart, the petitioners shall cooperate with the investigation in all manners and shall meet the IO once every fortnight during the entire period of investigation.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)