

21.08.2024
Court No.1
Item No.18
pk/AP

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

CRM(A) 551 of 2024

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to under Section 438 of the Code of Criminal Procedure, 1973 in connection with **Kotowali** P.S. Case No. **506 of 2024** dated **22.05.2024** under Sections **447/323/324/354/379/34** of the Indian Penal Code and adding Section **307** of the Indian Penal Code.

And

In the matter of: **Dipchand Bania @ Dwipchand Bania @ Bishnu and Ors.**

....Petitioners.

Ms. Mousumi Das
Mr. Hillol Saha Podder

...for the petitioners.

Mr. Kallol Acharjee
Mr. Tapan Bhattacharjee

...for the State.

1. The application for anticipatory bail is canvassed on the ground that the injuries are minor in nature while it is true that the complainant sustained injuries in private part.

2. It appears from the statement of records that the accused persons not only assaulted the de facto complainant's sister but also tore her cloths away. The de facto complainant was further assaulted while he was trying to save his sister.

3. Learned counsel for the State opposes the prayer for anticipatory bail.

4. Given the nature of the incident as evident to this Court, the petitioners could have committed further grievous offences in the facts of the case.

5. In that view of the matter, this Court is not inclined to grant anticipatory bail to the petitioners.

6. The application for the anticipatory bail is thus rejected.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)