

08.01.2025
Sl. No.41
akd
[ALLOWED]

C. R. M. (A) 57 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 06.01.2025 in connection with Salboni Police Station Case No.223 of 2024 dated 06.11.2024 under Sections 85/115(2)/117(2)/109(1)/89/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 3/4 of the Dowry Prohibition Act. (G.R. Case No.3016 of 2024)

And

In Re: ***Toton Ghosh @ Totan Ghosh & Anr.***

... .. Petitioners

Mr. Amit Ranjan Pati
Ms. Swastika Chowdhury

... .. for the petitioners

Mr. Partha Pratim Das
Ms. Chandreyi Dutta

... .. for the State

1. Petitioner no.1 is the husband and petitioner no.2 is the father-in-law of the victim-housewife respectively.
2. It is submitted on behalf of the petitioners that they have been falsely implicated owing to a matrimonial dispute. Allegation of abortion due to assault is false. Accordingly, they pray for anticipatory bail.
3. Learned Advocate for the State opposes the prayer for anticipatory bail.
4. We have considered the materials on record including the medical report. Opinion of the medical officer shows miscarriage was due to intake of medicine and not assault. Other allegations are general and omnibus. Under such circumstances, we are of the opinion custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail.
5. Accordingly, we direct in the event of arrest, the petitioners, namely, ***(1) Toton Ghosh @ Totan Ghosh & (2) Sukumar Ghosh***, be

released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioners shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

6. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)