

09.04.2025
Court No.28
Item No.8
tbsr
Allowed

CRM (A) 1143 of 2025

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Polba** P.S. Case No.**134 of 2024** dated **07.05.2024** under Sections **341/325/354B/307/506/34** of the Indian Penal Code, 1860.

And

In the matter of: **Bharati Paswan**

....Petitioner.

Ms. Shalini Bairagi

Mr. Priyankar Ganguly

...for the petitioner.

Mr. Arindam Sen

Mr. Rishi Bramha

.....for State

Learned counsel appearing on behalf of the petitioner submits as follows. An altercation took place between two groups over a land dispute. The petitioner is a lady and is not the main accused. The principal accused is on bail. Anticipatory bail was granted to four other co-accused who are standing on the same footing. Charge sheet has been submitted. Although there is an allegation that the victim who was in the family way was kicked at her belly, there is no allegation of termination of pregnancy.

Learned counsel appearing on behalf of the State relies on the case diary, opposes the prayer for bail and submits that although the injuries did not suggest infliction of grievous injuries, there are statements of witnesses including of the injured victim where the name of the present petitioner appears.

Considering the nature of injury as indicated in the injury report, the facts that charge sheet has been submitted, one of the principal

accused was in custody for some time and the present petitioner is a lady, this Court inclined to allow the anticipatory bail, however by restricting the movement of the petitioner for a limited period.

Accordingly, I direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioner shall not threaten or intimidate witnesses and shall stay outside the jurisdiction of Polba Police Station for a period of six months from this date, except for attending Court or meeting the investigation officer.

The application for anticipatory bail is, thus, allowed.

(Jay Sengupta, J.)