

**In The High Court at Calcutta
In the Circuit Bench at Jalpaiguri**

CRM (DB) 692 of 2024

03.01.2025
Sws.M/ct. 1
sl no. 59

In Re: An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with GR
Case No.3266/2024 in Maynaguri Police Station Case
No.284 of 2024 dated 04.07.2024 under section 85/89 of
BNS 2023.

allowed

And

In the matter of: Kunal Dutta petitioner

Mr. Biswarup Roy
Ms. Supriya Debnath

..... for the petitioner

Mr. Ujjwal Luksom
Mr. Dhiman Shil

..... for the State

This is an application for bail filed under section 483 of the
Bharatiya Nagarik Suraksha Sanhita, 2023.

The petitioner seeks bail in connection with a case
registered under sections 85 and 89 of the BNS Act. 2023.

It is submitted on behalf of the petitioner that the
allegations contained in the complaint filed are vague and
generalized and borne out of personal vendetta by twisting facts by
the complainant wife. The primary allegation against the petitioner
is that the petitioner had intentionally caused miscarriage of the
victim due to physical assault inflicted on the defacto-complainant.

On a perusal of the materials on record as well as the Case
Diary, it *prima facie* appears that the termination of the pregnancy
of the defacto-complainant was with the consent of both the
petitioner and the defacto-complainant.

Prima facie, it appears that both the husband and the wife
has consented to the termination of the pregnancy in view of the
health of the wife.

The other allegations in the complaint are all vague and general in nature. The contention that the petitioner is a member of the police force is also of little significance at this stage since the charge-sheet has already been filed and further custodial interrogation is unnecessary.

In view of the above, we are inclined to grant bail to the petitioner. The prayer for bail is allowed.

Accordingly, the petitioner, namely, Kunal Dutta 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 learned Chief Judicial Magistrate, Jalpaiguri, subject to condition that he shall appear before the Trial Court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit any similar offences in the future.

In the event, the petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

In view of the above, the application for bail being CRM(DB) 692 of 2024 stands disposed of.

(Ravi Krishan Kapur, J.)

(Uday Kumar, J.)