

28.01.2026
Sl. No.54
Ct. 28
NB

C.R.M (A) 53 of 2026

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Jorabagan PS Case No.186/2024 dated 05.11.2024 under Sections 61(2)/85/89/79/351(3) of BNS, 2023.

And

In the matter of: Abhishek Das ... petitioner

Mr. Indranuj Dutta,
Mr. Atanu Basu.
...for the petitioner.

Mr. Pravas Bhattacharya,
Ms. Rituparna Saha.
...for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the husband of the alleged victim. Charge sheet has been submitted. So far as the allegation of forcible termination of pregnancy is concerned, the same is an absolute lie. Subsequently, a child was born to the couple. In fact, prior to this FIR, the petitioner had to lodge a complaint before the police alleging that the petitioner had left the matrimonial home on a particular occasion.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statements of the victim recorded before the learned Magistrate and the statements of witnesses. Although the victim alleged that the termination of pregnancy was done when she was not conscious, a copy of a consent form is available at page 102 of the case diary,

which shows that both the petitioner and the alleged victim had signed on the same.

Considering the above, the other materials available in the case diary and the fact that charge sheet has already been submitted, I am inclined to grant anticipatory bail to the present petitioner.

Accordingly, 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date and shall attend the jurisdictional Court regularly.

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

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)