

08.01.2026

Item No.16

Ct.No.3

dc.

Rejected

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

C.R.M. (A) 955 of 2025

In Re : An Application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/Section 438 of the Code of Criminal Procedure, 1973 filed in connection with Sadar Police Case No. 05 of 2019 dated 20.01.2019 under Sections 341/325/333/353/34 of the Indian Penal Code read with Section 4 of West Bengal Medicare Service Person and Medicare Service Institution (Prevention of Violence and Damage to Property) Act, 2009.

And

In Re : **Dipmala @ Deepmala Rasaily**
@ Dipmala Biswakarma and another ... Petitioners.

Mr. Pratap Khati,
Mr. Avinash Kalikotey,
Mr. Nishant Nav Rasaily

... For the Petitioners.

Mr. A. S. Chakraborty, APP,
Mr. Tapan Bhattacharjee

... For the State.

Learned advocate appearing for the petitioners submits that the petitioners are poor ladies who were not named in the FIR and have been falsely implicated in connection with the instant case. Petitioners were not there at the time of alleged offence and subsequently came to know that their names are appearing in the charge-sheet and as such have approached this Court.

Learned advocate appearing for the State, on the other hand, opposes the prayer for anticipatory bail and submits that the doctor was assaulted by the patient and the patient party and the injury was serious for which the case was

registered for investigation. According to the State, charge-sheet was submitted in the month of June 2020 and more than five years six months have passed since then.

Having considered the fact that substantial time has passed and the anticipatory bail application before the sessions court was rejected in the year 2023, I am of the view that the conduct of the present petitioners along with the offence being committed at a public hospital do not appeal to this Court for extending the privilege of anticipatory bail to the petitioners.

Petitioners would pray for regular bail. If the petitioners surrender, learned Court, in seisin of the case, will consider their application in accordance with law.

At this stage, the prayer for anticipatory bail of the petitioners is **rejected**.

The application for anticipatory bail, being CRM (A) 955 of 2025, is, thus, disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)