

C.R.M. (A) 117 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bhadreswar Police Station Case No.226 of 2024 dated 03.06.2024 under Sections 498A/406/323/376D/506/34 of the IPC and Sections 3/4 of Dowry Prohibition Act;

And

In Re: **Md. Kalamuddin @ Kalamuddin**

... Petitioner

Mr. Sandip Chakraborty
Mr. R. K. Pandey
Md. Tanvir Alam

...for the Petitioner

Mr. Sanjay Bardhan, Sr. Govt. Adv
Mr. R. Jana

...for the State

1. Notice is placed on record. In spite of service of notice, nobody appears for the victim.
2. Petitioner is the husband of the victim lady. It is alleged she had lodged an earlier case on false allegations against the husband. He prays for anticipatory bail.
3. Learned lawyer for State opposes the prayer.
4. We have considered the materials on record including the statement of the victim. It is contended the victim had lodged an earlier case against the petitioner and her in-laws. In the present case, she alleged she was assaulted and raped by her in-law and another. Allegation of rape is not levelled against the petitioner.
5. Whether allegation of rape is an embellishment in the light of prior enmity between the parties may be assessed at the appropriate stage of the proceeding. Be that as it may, such allegation has not

been levelled against her husband. Under such circumstances, we are inclined to grant anticipatory bail.

6. Accordingly, we direct that in the event of arrest, the petitioner *viz.*, Md. Kalamuddin @ Kalamuddin be released on bail upon furnishing a bond of Rs.10,000/-, 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. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)