

05.02.2025  
69.  
Ct. No. 28  
PRITAM  
[ALLOWED]

**C. R. M. (A) 226 of 2025**

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Anandapur** Police Station Case No.**224** of **2024** dated **09.12.2024** under Sections **126(2)/75/70(1)/115(2)** of BNS, 2023.

And

In Re: **XXXXXXXX**.

... .. Petitioners.

Mr. Amit Ranjan Pati,  
Ms. Swastika Chowdhury.

.... for the petitioners.

Mr. Suman Das Adhikary

....for the *de-facto*.

Mr. Md. Anwar Hossain,  
Mr. Arani Bhattacharjee

.... for the State.

1. Petitioners are neighbours of the victim lady. It is contended on November 21, 2024, there was altercation between the family members of the petitioner and the *de-facto* complainant. Petitioners' family members were assaulted and a criminal case was registered. As a counter-blast, a month later the present case had been registered. Petitioners pray for anticipatory bail.

2. Learned lawyer for the State opposed the prayer. Learned lawyer for the *de-facto* complainant also opposed the prayer.

3. We have considered the materials on record. In the FIR, it is alleged on December 18, 2024 when the victim had gone to answer nature's call, she was physically assaulted and raped. However, medical examination shows the injuries on her body

are three to four days' old and is self-inflicted. In rebuttal, *de-facto* complainant places on record a medical report which discloses a history of breast pain, burning sensation in vagina. As per her statement, the Medical Officer noted it was a case of sexual assault.

4. We are not convinced by the medical report relied by the *de-facto* complainant. The report is on the basis of the complainant's statement and not on medical examination. On the other hand, the medical report collected during investigation is a product of meticulous medical examination and notes the injuries are old and self-inflicted. We are conscious absence of medical report would not improbabilise a case of sexual assault. But when the report relied by prosecution shows the bodily injuries are self-inflicted, the findings contradicts the prosecution case and renders it vulnerable. It is also relevant to bear in mind that a prior criminal case had been registered against the family members of the prosecution and could be a spring board for false implication of the petitioners in the present case. Under such circumstances, we are of the opinion that the allegation of rape is, *prima facie* inconsistent with the materials on record including the medical report and petitioners are entitled to pre-arrest bail.

5. Accordingly, we direct that in the event of arrest, the petitioners 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. They shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

6. The application for anticipatory bail being **CRM (A) 226 of 2025** is, thus, disposed of.

**(Subhendu Samanta, J.)**

**(Joymalya Bagchi, J.)**