

13.02.2025
Sl. No.15
akd
[Rejected]

C. R. M. (A) 276 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 15.01.2025 in connection with Kushmandi Police Station Case No.99 of 2021 dated 24.07.2021 under Sections 376D/506 of the Indian Penal Code. (G.R. Case No.618 of 2021)

And

In Re: ***Chandan Kumar Roy @ Chandan Roy***
... .. Petitioner

Mr. Mazhar Hossain Chowdhury
... .. for the petitioner

Ms. Mamata Jana
... .. for the de-facto complainant

Ms. Sreyashee Biswas
Ms. Rita Datta
... .. for the State

1. It is submitted on behalf of the petitioner that his sister had been driven out of her matrimonial home. She lodged criminal case alleging cruelty against her husband's brother and other family members. In retaliation, the present case has been lodged. There is inordinate delay of five months in lodging FIR. Accordingly, he prays for anticipatory bail.
2. Learned Advocates for the State as well as the de-facto complainant oppose the prayer for anticipatory bail and submit petitioner had been absconding for three years.
3. In view of the conduct of the petitioner, we do not wish to entertain his prayer for pre-arrest bail.
4. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.
5. We give liberty to the petitioner to appear before the trial court and pray for regular bail within seven days from date. In the event, prayer for regular bail is filed, trial Judge shall consider the same

independently and in accordance with law particularly in light of the fact there was a matrimonial dispute between the husband's brother and petitioner's sister resulting in a prior criminal case and inordinate delay in registering the present FIR.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)