

10.03.2025
Sl. No.15
akd
[ALLOWED]

C. R. M. (A) 746 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 25.02.2025 in connection with Belda Police Station Case No.43 of 2025 dated 30.01.2025 under Sections 329(3)/115(2)/117(2)/351(2)/76/64/62/109/126(2)/303(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023. (G.R. Case No.66 of 2025)

And

In Re: **XXX & Ors.**

... .. Petitioners

Mr. Amit Ranjan Pati
Ms. Swastika Chowdhury

... .. for the petitioners

Mr. Siladitya Banerjee
Mr. Kaustav Banerjee

... .. for the State

1. It is submitted on behalf of the petitioners there is a civil dispute between the parties. Suits are pending. After the injunction order obtained by the de-facto complainant was set aside in appeal, petitioners have been falsely implicated in the instant case. There is delay in lodging FIR. Accordingly, they pray for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits petitioner nos.1 and 2 had outraged the victim's modesty.
3. In spite of service, nobody appears for the victim.
4. We have considered the materials on record including the statement of the victim. Civil suits are pending between the parties. There is delay in lodging FIR. From the statement of the victim it appears there was a fight between the parties. Whether allegation of outraging modesty is an embellishment owing to prior enmity may be assessed at the appropriate stage of the proceeding. Under such

circumstances, we are of the opinion custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail.

5. Accordingly, we direct in the event of arrest, the petitioners, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, 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 and on further condition that the petitioners shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)