

13.03.2025
Item No.41
Ct. No. 26
CHC
Allowed

C.R.M.(A) 888 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita Act, 2023, in connection with **Khanakul** Police Station Case No. **717/2024** dated **20.11.2024** under Sections **126(2)/ 115(2)/ 74/ 76/ 326(f)/352/351(3)/3(5)** of the Bharatiya Nyaya Sanhita, 2023, pending before the Court of Learned Additional Chief Judicial Magistrate, Arambagh, Hooghly.

And

In the matter of : Mr. Biswanath Malik & Ors.

..... petitioners

Mr. Suvadip Bhattacharjee, Advocate
Mr. Balaram Patra, Advocate
....for the petitioners

Ms. Sukanya Bhattacharya, Advocate
Mr. Mainak Gupta, Advocate
....for the State

1. Petitioners claim that, they were falsely implicated due to political rivalry.
2. Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary including the statement of the victim recorded under Section 183 of the BNSS.
3. After the occurrence of the incident, medical examination was done of the victim. Such medical examination report does not show any external injury being suffered by the victim.
4. Before the jurisdictional Court on a plea for addition of outraging of modesty, another medical examination was

sought to be undertaken when the victim refused to such medical examination.

5. Apparently, an incident occurred with regard to immovable property.
6. In response to a query of the Court, learned advocate appearing for the State submits that, as on date, police is yet to come across any eyewitness to the incident.
7. Statement of the victim remains uncorroborated both by medical evidence and by any other reliable witnesses.
8. In such circumstances, we grant anticipatory bail to the petitioners.
9. Accordingly, we direct that in the event of arrest the petitioners shall 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 be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the BNSS and on further condition that the petitioners shall meet the Investigating Officer once in a fortnight till the conclusion of investigation and on condition that the petitioners shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure

the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

10. This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Smita Das De, J.)