

21.03.2025
Item No.6
Ct. No. 26
CHC
Rejected

C.R.M.(A) 950 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Kharagpur Local** Police Station Case No. **101** of **2025** dated **28.01.2025** under Sections **115(2)/ 117(2)/ 109(1)/ 74/75(2)/76/3(5)/64(2)(k)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of : Malay Biswas & ors.
..... petitioners

Mr. Navanil De, Advocate
Ms. Monami Mukherjee, Advocate
....for the petitioners

Mrs. Subhasree Patel, Advocate
Mr. Sharequl Haque, Advocate
....for the State

Mr. Soumy Nag, Advocate
Mr. Aditya Tiwari, Advocate
Mr. Rajdeep Sengupta, Advocate
...for the de facto complainant

1. Petitioners pray for anticipatory bail.
2. Learned advocate appearing for the petitioners submits that, two incidents occurred one relating to involvement of attempt to murder and other is assault coupled with sexual offences allegations. He submits that, in the assault coupled with attempt to murder, some of the

petitioners were granted anticipatory bail namely women folk while men folk denied such relief by the coordinate Bench

3. Learned advocate appearing for the petitioners submits that some petitioners are involved in the present application as that of the earlier application for grant of anticipatory bail in the other police case.
4. Learned advocate appearing for the State draws the attention of the materials in the Case Diary including the injury report of the victim along with the statement of the victim recorded under Section 183 of the BNSS. She submits that, the victim is mentally challenged and that, her deposition was interpreted by a professional interpreter before the learned jurisdictional Magistrate while recording statement under Section 183 of the BNSS.
5. Learned advocate appearing for the de facto complainant submits that, the petitioners are so powerful that, both the police cases were not registered by the police and that, the de facto complainant was required to move the jurisdictional Court under Section 175(3) of the BNSS.
6. Two incidents occurred one after other. The first incident was one of assault. The woken folk involved in the incident were granted anticipatory bail by the coordinate

Bench while, prayer for anticipatory bail was denied to the men folk.

7. The order is dated March 7, 2025 passed in CRM(A) 810 of 2025.
8. Same persons are involved in the present police case. The present police case occurred on the next date of the first police case. Both the police case were not registered by the police despite complaints thereof being received by the police.
9. In response to the query of the Court as to why, the present police case was not registered by the police on receipt of the complaint, learned advocate appearing for the State is unable to answer thereto.
10. Police complaint was registered subsequent to an order passed under Section 175(3) of the BNSS.
11. Injury report of the victim shows that, the injured suffered injuries at her private parts. Moreover, the medical examination report does not rule out to sexual violation on her.
12. Materials in the Case Diary implicate all the petitioners in the incident.
13. Enlarging the petitioners on anticipatory bail will send a wrong signal to the society. Grant of such an order is likely to affect the investigation given the conduct of the police and the petitioners.

14. In such circumstances, we are not inclined to grant anticipatory bail to the petitioners.
15. This application for anticipatory bail is, thus, rejected.

(Debangsu Basak, J.)

(Smita Das De, J.)