

AD 6  
April 25, 2025  
Ct. 28  
SG

Partly Allowed

CRM(A) 1029 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Suti P.S. Case No.136 of 2025 dated 09.02.2025 under Sections 115(2)/117(2)/118(1)/62/64/76/3(5) of the BNS, 2023.  
And

In the matter of: *Sabir Sk @ Sabir Sekh and others*  
... *petitioners*

Mr. Kusal Kumar Mukherjee  
Ms. Pranidhi Singh  
... for the petitioners.

Ms. Sayanti Santra  
Ms. Chandreyi Dutta  
... for the State

Learned counsel appearing for the petitioners submits that the present FIR arose out of a scuffle between neighbours. The petitioners have been falsely implicated in this case. There is a delay in lodging the FIR.

Learned counsel for the State points to the statements of independent witnesses as also the statements of the victims recorded before the Magistrate. So far as the petitioner No.2 is concerned, there is a criminal antecedent. A charge-sheet was submitted against him and others there.

It appears that although the alleged incident took place on 29.12.2024, at the time of examination of the present victim before the doctor, no allegation of attempt to rape was mentioned. However, the FIR contains such allegation.

In view of nature of allegations and the role ascribed to each of the petitioners and the fact that the petitioner No.2 has a criminal antecedent, while I am not inclined to grant anticipatory bail to the petitioner No.2, I am inclined to grant anticipatory bail to the petitioner Nos.1 and 3 although by restricting their movements for the time being.

Accordingly, the prayer for anticipatory bail of the petitioner No.2 (Ujir Sk @ Ujir Shaikh) is rejected.

In the event of arrest, the petitioner Nos.1 and 3 (Sabir Sk @ Sabir Sekh and Selim Sk) shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) each with two sureties of like amount each, one of whom must be local, 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, 2023 and on the further conditions that the petitioner Nos.1 and 3 shall meet the investigating officer of the case once a week till submission of report in final form, shall not threaten or intimidate witnesses and shall stay outside the jurisdiction of Suti Police Station except for the purpose of meeting the investigating officer or attending the jurisdictional court.

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

**(Jay Sengupta, J.)**