

28.03.2025
Item No.15
Ct. No. 26
CHC
Allowed

C.R.M.(A) 1046 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Bhagwangola** Police Station Case No. **589** of **2024** dated **17.11.2024** under Sections **64(1)/351(2)** of the Bharatiya Nyaya Sanhita, 2023, pending before the Learned Chief Judicial Magistrate, Lalbagh, Murshidabad.

And

In the matter of: Eiyasin Sk @ Md. Yeasin Sk
@ Shibbabu

..... petitioner

Ms. Sananda Bhattacharyya, Advocate
....for the petitioner

Mrs. Sonali Das, Advocate
Ms. Saptarshi Chakraborty, Advocate
....for the State

1. Affidavit-of-service filed in Court be taken on record.
2. None appears for the de facto complainant despite service.
3. Police filed charge sheet.
4. Learned advocate appearing for the State refers to the materials in the Case Diary including the statement of the victim recorded under Section 183 of the BNSS.
5. A previous police complaint of rape was alleged as against the petitioner by the de facto complainant two years ago.
In such complaint, petitioner is on bail.
6. The present complaint apparently relates to the same incident.

7. In such circumstances, we are inclined to grant anticipatory bail to the petitioner.
8. Accordingly, we direct that in the event of arrest the petitioner will be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten Thousand only), 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 petitioner 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 petitioner in court including cancelling the anticipatory bail granted without further reference to this Court.
9. This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

