

21.04.2025
Court No.28
Item No.15
ssi

CRM (A) 1056 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with **Bhutni** P.S. Case No.**263 of 2024** dated **16.12.2024** under Sections **137 (2)/140(3)/61(2)/64/3(5)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: **XXX**

....Applicant/Petitioner.

Md. Wasim Akram

...for the petitioner.

Ms. Faria Hossain
Mr. Mujibar Ali Naskar

...for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner and the victim were both major. They had a love affair. They went to Delhi and then to Bihar and stayed there for some time. Afterwards, the relationship turned sour. The girl came back and apparently made an adverse statement before the Magistrate. There was a delay in lodging the FIR of about three months. After the girl allegedly returned, an application was filed under Section 173 of the BNSS Act before the learned Magistrate.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and submits as follows. Notice was served upon the de facto complainant. Charge sheet has not been submitted yet. The victim had apparently been taken to a place in Delhi and then to Bihar and forced into a relationship. However, she came back afterwards and lodged a complaint.

It does not appear that the victim girl was recovered upon police raid. It also appears that there is a delay in lodging complaint before the learned Magistrate.

Considering the materials available in the case diary, I am inclined to grant anticipatory bail to the petitioner, however, by restricting his movement for a limited period.

In view thereof, the prayer for anticipatory bail is allowed.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 further conditions that the petitioner shall meet the I.O. of the case once a week till submission of report in final form and shall not try to influence the witnesses or threaten them. The petitioner shall stay outside the jurisdiction of Bhutni Police Station for a period of six months from this date, except for attending Court or meeting the Investigating Officer.

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

(Jay Sengupta, J.)