

01.07.2025
SL.14
Ct.No.28
NB

CRM (A) 1093 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Baishnabnagar P.S. Case No.192 of 2024 dated 09.03.2024 under Section 448/323/324/354/308/376(2)(m)/379/354B/34 of the Indian Penal Code pending before the learned Chief Judicial Magistrate, Malda.

And

In the matter of : Anusandhan Singha @ Sandhan ...petitioner

Mr. Arup Kumar Bhowmick
...for the petitioner.

Ms. Anasuya Sinha,
Mr. Ashok Das.
...for the State.

Report filed on behalf of the State is taken on record.

No one appears on behalf of the de facto complainant.

Learned counsel appearing on behalf of the petitioner submits that the victim's claim that she was admitted in a hospital is not corroborated by any material or evidence. The FIR was a result of fight between neighbours.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail, relies on the case diary and submits as follows. There are statements of neighbours recorded by the police, which implicate the petitioner. However, report shows that the victim was never admitted in any hospital as claimed. In fact, the treatment at the OPD did not reflect the alleged injury inflicted on the private part of the victim.

Considering the materials available in the case diary and the apparent contradiction between the claim of the victim and the medical documents available, I am inclined to grant anticipatory bail to the petitioner. However, his movement needs to be restricted for a limited period.

Accordingly, 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner shall not threaten or intimidate witnesses or tamper with evidence and he shall meet the Investigating Officer once a fortnight for three months and shall stay outside the jurisdiction of Baishnabnagar Police Station for a period of six months from this date except for the purpose of attending the jurisdictional Court or for meeting the Investigating Officer.

The application for anticipatory bail being **CRM (A) 1093 of 2025** is, thus, allowed.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)