

21.04.2025
Sl. No.26
Ct. 28
NB

C.R.M. (A) 1100 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 Pukhuria P.S. Case No.310 of 2024 dated 15.06.2024 under Sections 363/365/34 of the Indian Penal Code.

And

In the matter of : Maimur Hoque & Anr. ... petitioners

Mr. Kazi M. Rahaman.
...for the petitioners.

Ms. Rituparna De Ghose,
Md. Ejaj Akhtar.
...for the State.

Mr. Avik Ghatak,
Mr. Abhinav Rakshit.
....for the victim.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the brothers in law of the alleged victim. Due to some property dispute, she has falsely alleged that she was kidnapped by the said two brothers in law and raped against her will. The husband who is also an accused was granted anticipatory bail by the Sessions Court. The victim was produced before the police by her own father.

Learned counsel appearing on behalf of the de facto complainant files a vakalatnama, which is taken on record and kept in a sealed cover. He strongly opposes the prayer for anticipatory bail.

Learned counsel appearing on behalf of the State relies on the case diary and submits as follows. In a statement before the

learned Magistrate, the victim has clearly mentioned about how the two accused had taken her in a car and thereafter committed rape upon her by keeping her confined in a place. There are local witnesses who had seen her being taken away by the two.

In view of the incriminating materials present in the case diary, especially the statement of the victim recorded before the learned Magistrate and the statements of local witnesses contained at pages 11 and 12 of the case diary, I am not inclined to grant anticipatory bail to the petitioners.

The application for anticipatory bail being **CRM(A) 1100 of 2025** is, thus, rejected.

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.)