

25.04.2025
Court No.28
Item No.16
tbsr
Allowed

CRM (A) 1136 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Tala** P.S. Case No.**09 of 2025** dated **28.01.2025** under Sections **69/79/54** of the Bharatiya Nyaya Sanhita 2023.

And

In the matter of: **Mahua Nath**

....Petitioner.

Mr. Avik Ghatak
Mr. Saptarshi Dutta
Ms. Afreen Begum
Ms. Shilpi Das

...for the petitioner.

Mr. Kaushik Kundu
Ms. Eshita Dutta

.....for the State.

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

Despite service, no one appears on behalf of the de facto complainant/victim.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the elder sister of the principal accused. The 37 years old victim has alleged that the principal accused entered into physical relationship with the victim on false promise to marry. The only allegation against the present petitioner is that she had asked the principal accused to show the victim her flat. Furthermore, the de facto complainant had admitted that she had earlier filed a similar FIR against some other person.

Learned counsel appearing on behalf of the State opposes the prayer and points to the statement of the victim before the learned Magistrate.

Considering the nature of allegations and the role ascribed to the present petitioner, I do not think that custodial interrogation of the petitioner is required in this case.

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 condition that the petitioner shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)