

AD 20
April 23, 2025
Ct. 28
SG

Allowed

CRM(A) 1181 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Contai Women P.S. Case No.81 of 2024 dated 16.08.2024 under Sections 85/115(2)/316(2)/64/62/351(3)/3(5) of the BNS, 2023 read with Sections 3/4 of the D.P. Act. And

In the matter of: XYZ

... *petitioner*

Ms. Nandita Bakshi
Mr. Indranil Chandra
Mr. Souvik Sarkar

... for the petitioner.

Mr. Atif Ahmed Siddiqui

... for the State

Mr. Gourab Ghosh
Mr. Siddhartha Bhattacharya

... for the de facto complainant

Learned counsel appearing for the petitioner submits that the petitioner is a relative of the in-laws of the alleged victim. On the date on which the alleged assault by all in-laws including the allegation of attempt to rape against the petitioner husband took place, the petitioner was actually in his office. The time of occurrence is shown as about 10.45 hrs. on 16.07.2024. Copy of the biometric data from the office shows that the petitioner was present in the office on that date from 10.43 hrs. to 21.32 hrs. Moreover, the FIR was lodged about a month of the said incident.

Learned counsel for the de facto complainant strongly opposes the prayer for anticipatory bail and submits that the petitioner was absconding all along.

Learned counsel for the State relies on the injury report and the statements of witnesses including the statement of the victim made before the learned Magistrate. Charge-sheet has been submitted.

It appears from the injury report that the victim had taken the name of the mother-in-law as the assailant and mentioned unnamed others as the other assailants.

In view of the materials available in the case diary and the fact that a charge-sheet has been submitted, I am inclined to grant anticipatory bail to the petitioner.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) each 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 the further conditions that the petitioner shall not threaten or intimidate witnesses and attend the jurisdictional court on the dates fixed.

The application for anticipatory bail is, thus, allowed.

(Jay Sengupta, J.)