

17.04.2025
SL.41
Ct.No.28
NB

CRM (A) 1236 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 Khargram P.S. Case No.92 of 2025 dated 09.03.2025 under Sections 69 of the Bharatiya Nyay Sanhita, 2023, GR No.400 of 2025 pending before the learned Additional Chief Judicial Magistrate, Kandi, Murshidabad.

And

In the matter of : Nasimuddin Seikh @ Nasimuddin Sk
.... petitioner.

Mr. Kallol Kumar Basu,
Md. Jannat ul Firdous.
...for the petitioner.

Mr. Anand Keshari,
Ms. Puja Goswami.
...for the State.

Mr. Navanil De,
Mr. Srinjan Ghosh.
...for the OP No.2.

Learned counsel appearing on behalf of the petitioner submits as follows. The alleged victim is a 33 years old widow and the petitioner is aged about 22 years. It is alleged that after the victim's husband died, the petitioner proposed to marry her and on such promise, the two developed a relationship. But, thereafter he allegedly refused to marry the victim. It was actually a consensual relationship between the two adults.

Learned counsel appearing on behalf of the de facto complainant/victim strongly opposes the prayer for anticipatory bail.

Learned counsel appearing on behalf of the State relies on the case diary, especially the statement of the victim recorded before the

learned Magistrate. A prima facie case is made out against the petitioner. However, the victim refused to undergo medical examination.

In view of the fact that the victim and the petitioner were adults and there was at least some kind of a relationship between the two for some time, I do not think that custodial interrogation of the petitioner is required in this case.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer subject to the conditions that he shall meet the Investigating Officer once a fortnight till submission of report in final form, cooperate with the investigation and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and shall stay out of the jurisdiction of Khargram Police Station for a period of six months from this date except for the purpose of attending the jurisdictional Court or meeting the Investigating Officer.

The application for anticipatory bail being **CRM (A) 1236 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.)