

23.04.2025  
Court No.28  
Item No.27  
tbsr  
Allowed

**CRM (A) 1271 of 2025**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 and read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Malda** P.S. Case No.**111 of 2025** dated **15.02.2025** under Sections **329(4), 324(4), 117(2), 76, 109, 70(1), 3(5)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: **Husband of the petitioner**

....Petitioner.

Mr. Sagar Saha

Ms. Nayana Mukhopadhyay

...for the petitioner.

Ms. Sonali Das

Mr. Debanik Das

.....for the State.

Affidavit of service filed on behalf of the petitioner is taken on record.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The allegations have been made after about ten years of marriage between the petitioner and the alleged victim. All other family members including the ones, against whom allegations of rape were made, were granted bail by the Sessions Court.

Learned counsel appearing on behalf of the State relies on the case dairy including the statement of the victim made before the Magistrate, the injury report and the statements of witnesses including those of independent witnesses like neighbours. The

statement of the victim made before the Magistrate implicates the petitioner and all others equally.

In view of the statements made by the neighbours and the medical report, I do not find this to be a case where custodial interrogation of the petitioner would be required.

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 meet the Investigating Officer once a fortnight and 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.)**