

19.05.2025
Court No.28
Item No.18
tbsr
Allowed

CRM (A) 1291 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Saktipur** P.S. Case No.**232 of 2024** dated **13.09.2024** under Sections **85/117(2)/64/3(5)** of the Bharatiya Nyaya Sanhita, 2023 and 3/4 Dowry Prohibition Act.

And

In the matter of: **XXXX**

....Petitioner.

Mr. Jisan Iqubal Hossain
...for the petitioner.

Ms. Sonali Das
Mr. Debanik Das
.....for the State.

Ms. S. Sultan
Mr. Prithwiraj Biwas
....for the De facto complainant.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the elder brother-in-law of the alleged victim. The victim lodged the first FIR on 05.06.2024 alleging domestic violence and the like against the petitioner, the husband and others. There she made no allegation of rape or attempt to commit rape. Subsequently, on 13.09.2024 she filed an application before a Learned Magistrate which was treated as the second FIR. There it was alleged that even on 05.06.2024 the petitioner attempted to commit rape on her and on the subsequent day, i.e. on 20.07.2024 he actually committed rape. It was only because the petitioner came out from bail in respect first case that the second case was falsely foisted against him.

Learned counsel appearing on behalf of the de facto complainant opposes the payer for anticipatory bail.

Learned counsel appearing on behalf of the State relies on the statements of witnesses contained in the case diary including the statement of the victim and the subsequent statements of neighbours and the seven year old child of the victim lady recorded before the learned Magistrate. It does not appear that those subsequent statements of neighbours and the child have anything against the present petitioner.

Considering the materials available in the case diary and the fact that charge sheet is submitted, I am inclined to grant anticipatory bail to the petitioner, but by restricting his movement for a limited period.

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 and shall attend the learned jurisdictional Court on dates fixed and shall stay outside the jurisdiction of Saktipur P.S. for a period of six weeks from this date except for meeting the I.O. or attending the jurisdictional Court.

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.)