

30.04.2025
Court No.28
Item No.13
ssi

CRM (A) 1341 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Mothabari PS Case No. **793 of 2024** dated **26.11.2024** under Sections **137(2)/140(3)/61(2)** of the BNS 2023.

And

In the matter of: **Montaj Mia @ Mumtaj Mia.**

....Applicant/Petitioner.

Mr. Anirban Patra
Mr. Sourav Mukherjee
Mr. Agnik Maulik

...for the petitioner

Mr. Bitasok Banerjee
Mr. S. S. Saha

...for the State

Mr. Priyankar Ganguly

..for the de facto complainant

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is not the principal accused. Against him, the allegation is that the principal accused and the victim stayed at his residence for some time.

Learned counsel appearing on behalf of the State refers to the case diary and the statements contained in it, particularly the statement of the victim recorded before the learned Magistrate. It appears that 16 ½ years of victim stated that she had voluntarily left with the principal accused and stayed at a place for some time.

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

In view of the materials available in the case diary, the alleged role ascribed to the present petitioner and the fact that the charge sheet is submitted, I am inclined to grant anticipatory bail to the petitioner.

In view thereof, the prayer for anticipatory bail is allowed.

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 try to influence the witnesses or threaten them.

The application for anticipatory bail is, thus, disposed of.

(Jay Sengupta, J.)