

AD 10
May 8, 2025
Ct. 28
SG

Allowed

CRM(A) 1344 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sabang P.S. Case No.478 of 2024 dated 26.12.2024 under Sections 351(2)/115(2)/109/76/70(1)/3(5) of the BNS, 2023.

And

In the matter of:

XYZ and another

... petitioners

Mr. Amit Ranjan Pati
Ms. Swastika Chowdhury
Ms. Hareem Fatema

... for the petitioners

Mr. Sanjoy Bardhan
Ms. Rita Datta

... for the State

Mr. Soumya Nag
Mr. Aditya Tiwari

... for the de facto complainant

Learned counsel appearing for the petitioners submits that the petitioners are the brother-in-law and maternal uncle of the victim's brother. Earlier, an FIR was registered, inter alia, under Sections 498A/307 of the Penal Code on 19.08.2023 by the sister of the petitioner No.1 against the present victim, her brother, mother and father. As a counterblast, the instant FIR was registered on 26.12.2024, upon a direction given under Section 175(3) of the BNSS. The counter action has been taken so as to dissuade the petitioners from prosecuting earlier case.

Learned counsel for the de facto complainant strongly opposes the prayer for anticipatory bail and submits that there is a time gap between the two FIRs. The second FIR was absolutely an independent one.

Learned counsel for the State opposes the prayer for anticipatory bail and relies on the statement of the victim recorded before the learned Magistrate as well as the injury report and the statements of other witnesses. It does not appear that the victim had taken the name of the petitioners or had alleged commission of rape or attempt before the treating doctor.

Considering the materials available in the case diary as discussed above and the nature of allegations, I am inclined to grant anticipatory bail to the petitioners.

In the event of arrest, the petitioners 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 petitioners shall meet the investigating officer once a fortnight till submission of report in final form, shall stay outside the jurisdiction of Sabang Police Station except for meeting the investigating officer or attending the jurisdictional court and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

(Jay Sengupta, J.)