

15.05.2025
Sl. No.10
Ct. 28
NB

C.R.M. (A) 1394 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 Nakashipara PS Case No.227/2025 dated 04.03.2025 under Sections 118(2)/62/64/79 of BNS.

And

In the matter of : Paresh Biswas ... petitioner

Mr. Snehansu Majumder.
...for the petitioner.

Ms. Sukanya Bhattacharyya,
Md. Kutubuddin.
...for the State.

Mr. Asraf Mondal.
...for the de facto complainant.

Learned counsel appearing on behalf the petitioner submits as follows. The de facto complainant had taken a sum of Rs.25,000/- from the petitioner for her husband's treatment. A dispute arose when the petitioner wanted the money back. In respect of such altercation, the de facto complainant had earlier lodged a false complaint of molestation. The petitioner surrendered in that case and obtained bail. As he was able to obtain bail, the petitioner instituted the present false complaint against the de facto complainant. The present complaint was lodged after a month of the alleged incident.

Learned counsel appearing on behalf of the de facto complainant submits that there is no question of any monetary

transaction between the private parties. The petitioner has been harassing the victim for a long time.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. She refers to the statement of the victim recorded before the learned Magistrate and the statements of post occurrence witnesses and the medical report.

Considering the serious nature of allegations and the incriminating materials available in the case diary including the statements of the victim recorded before the learned Magistrate and the injury report, I do not consider this to be a fit case for granting anticipatory bail to the petitioner.

The application for anticipatory bail being **CRM(A) 1394 of 2025** is, thus, rejected.

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.)