

13.05.2025
Court No.28
Item No.24
tbsr
Allowed

CRM (A) 1426 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **English Bazar** P.S. Case No. **1674 of 2024** dated **15.11.2024** under Sections **126(2)/74/351(2)/3(5)** of the Bharatiya Nyaya Sanhita, 2023 read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: **Sajahan @ Sajahan Ali**

....Petitioner.

Md. Wasim Akram
....for the petitioner.

Mr. Arindam Sen
Mr. Subhajit Chowdhury
.....for the State.

Mr. Prabir Das
Mr. S. Chatterjee
....for the de facto complainant

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The de facto complainant in the present case is the second wife of the son-in-law of the petitioner. Earlier, an FIR was lodged against the husband and the present de facto complainant and others, *inter alia*, under Section 498A of the Penal Code on 28.10.2024. Sometime later a case was filed under the Protection of women from Domestic Violence Act as well by the daughter of the present petitioner. As a counter blast, the present FIR was lodged, although after much delay. The petitioner, in fact, was not named in the charge sheet. He has now been named in the supplementary

charge sheet. The two persons, named in the charge sheet, were granted bail.

Learned counsel appearing on behalf of the State relies on the case diary, opposes the prayer for anticipatory bail and submits as follows. The statements made by the adult victim before the Magistrate contains the petitioner's name while that of the minor does not. While in such statements, the major victim names both the persons as victims, the minor victim does not indicate that she was also victim of such offence. The minor victim refused medical examination while the major victim was examined generally and no mark of violence was found.

Considering the prior enmity between the private parties, the statements of two victims recorded by Magistrate and the alleged role ascribed to the present petitioner, I am inclined to grant anticipatory bail the present petitioner.

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 jurisdictional Court on dates fixed and shall stay outside the jurisdiction of English Bazar Police Station for a period of six months from this date, except for visiting the Court or meeting the Investigation Officer.

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.)