

AD 25
May 20, 2025
Ct. 28
SG

Allowed

CRM(A) 1437 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sonarpur P.S. Case No.1685 of 2024 dated 22.12.2024 under Sections 376/417/420/341/323/325/506/509 of the IPC.

And

In the matter of:

Bapi Sarkar @ Amin Shaikh and another
... *petitioners*

Mr. Santanu Talukdar
Mr. Amanul Islam
Mr. Sourav Mukherjee
... for the petitioners

Mr. Bidyut Kumar Roy
Mr. Raju Mondal
... for the State

Ms. Suchismita Dutta
... for the de facto complainant

Learned counsel appearing for the petitioners submits that the petitioner and the de facto complainant/victim are both adults and both were married to their respective spouses. It is alleged that the victim got acquainted with the petitioner some time ago. She was taken to the petitioner's factory and administered some drink. She became unconscious and she was sexually assaulted there. The petitioner promised that he would marry her. After some time, the de facto complainant allegedly found out that the petitioner was married.

Learned counsel for the de facto complainant strongly opposes the prayer for anticipatory bail.

Learned counsel for the State relies on the materials available in the case diary including the statement of the victim recorded before the learned Magistrate and submits that a prima facie case is made out.

Considering the delay in lodging the FIR so far as the first incident was concerned, the admitted fact that there was some kind of relationship for a long time and the fact that both the petitioner and the alleged victim were married to their respective spouses, 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 week till submission of charge-sheet, shall not threaten or intimidate witnesses and shall not enter the jurisdiction of Sonarpur Police Station for a period of six months except for meeting the investigating officer or for attending any court.

The application for anticipatory bail is, thus, allowed.

(Jay Sengupta, J.)