

15/05/2025

D/L 17
Ct. No.28
S.Kundu
Allowed

C.R.M.(A) 1502 of 2025

In Re:- An application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 438 of the Code of Criminal Procedure. In connection with Raiganj Women police station case no. 23 of 2025 dated 6.3.2025 under sections 329(4)/326(9)/305/115(2)/109/74/351(2)/3(5)/69 of the BNS.

In the matter of: Sima Khatun & Ors.

... Petitioners

Mr. K. Chowdhury

...for the petitioners.

Ms. Sukanya Bhattacharya

Mr. Ratul Ghosh

...for the State.

1. Report filed on behalf of the State is taken on record.
2. Despite service no one appears on behalf of the de-facto complainant.
3. Learned counsel appearing for the petitioners submits as follows. The petitioner is not the principal accused. It is alleged that the principal accused had cohabited with the victim girl and thereafter, refused to marry her. However, actually the principal accused has purchased a land from the de-facto complainant but the de-facto refused to hand over the said property. There are case and counter case between the adverse parties.
4. Learned counsel appearing for the State relies on the materials available in the case diary and opposes the prayer. It appears from the statement of a neighbour, there was an issue regarding handing over of property.

5. Considering the nature of allegations, the fact that the petitioner is not the principal accused and the fact that the principal accused is presently on bail, I do not think that custodial interrogation of the petitioners is required in this case.
6. In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- 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 further conditions that the petitioners shall cooperate with the investigation and shall not threaten or intimidate witnesses. The petitioners shall meet the I.O as and when required.
7. Accordingly, the application for anticipatory bail is allowed.
8. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)