

21/05/2025

D/L 11
Ct. No.28
S.Kundu
Allowed

C.R.M.(A) 1495 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 Raghunathganj police station case no. 1603 of 2024 dated 11.12.2024 under Section 351(3)/137/140(3) of the BNS.

In the matter of: Chandan Mal & Ors.

... Petitioners

Ms. S. Hasin

...for the petitioners.

Mr. Prasun Kr. Dutta

Ms. Mausumi Sarkar

...for the State.

1. Learned counsel appearing for the petitioners submits as follows. The victim and the petitioner had a relationship although, the victim was a married lady. She eloped with the petitioner and went to Kolkata. Thereafter, she returned back of her own volition.
2. Learned counsel appearing for the State relies on the materials available in the case diary including the statement of the victim recorded before the learned Magistrate. It appears from the statement that the victim has alleged wrongdoing by the prime accused. However, she also said that she had come back to her residence on her own. She has refused to undergo medical examination.
3. In view of the materials available in the case diary including the statement of the victim recorded before the learned Magistrate that she had returned back home on

her own and the fact that she refused to be examined medically, I do not think that custodial interrogation of the petitioners is required in this case.

4. 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 once a week till submission of report in final form.
5. Accordingly, the application for anticipatory bail is allowed.
6. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)