

10.07.2025
SL.24
Ct.No.28
NB

CRM (A) 1585 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 Harishchandrapur P.S. Case No.1070 of 2024 dated 13.12.2024 under Section 137(2)/140(3)/69 of BNS pertaining to GR Case No.3640 of 2024 pending before the learned Additional Chief Judicial Magistrate Chanchal, Malda.

And

In the matter of : Golam Kabir

...petitioner

Mr. Debajyoti Deb,
Ms. Sanjukta Samanta,
Mr. Romit Dutta,
Mr. Sariful Alam,
Mr. Arkadeb Nag,
Sk. Nasim,
Mr. H. K. Jha.

...for the petitioner.

Ms. Anasuya Sinha,
Mr. S. Balial.

...for the State.

Ms. Dona Sanyal

...for the de facto complainant.

Learned counsel appearing on behalf of the petitioner submits as follows. The alleged victim had eloped with the petitioner and started staying with her from 23.03.2024. It was a consensual relationship between two adults. The mother of the victim lodged an FIR on 13.12.2024 after the girl returned back to her. The girl returned to her mother on 23rd December, 2024. The girl had suffered no injury when she was there with the petitioner.

Learned counsel appearing on behalf of the de facto complainant submits that not only was the victim sexually assaulted by the petitioner, the petitioner even broke her hand and she suffered a fracture injury which was left untreated. A surgery had to be done in May, 2025.

Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for anticipatory bail. She relies on the injury reports, bed-head ticket and subsequent statement made by the victim before the Magistrate.

It appears that in the medical records including the injury report, the victim never stated that the fracture injury was caused by the petitioner. Moreover, if the fracture injury had been caused before 23.12.2024 the date when the girl returned to her mother, the same could hardly have been treated in such manner in May, 2025. In fact, there is no document regarding the girl suffering any injury before 11.04.2025. According to the record regarding medical examination of the victim after recovery contained at page 19 of the case diary, there was no such injury present on her at the time she was recovered/came back.

Therefore, considering the materials available in the case diary as discussed above, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the petitioner.

Accordingly, 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 Arresting Officer and subject to the conditions as laid

down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner shall cooperate with the investigation and he shall meet the Investigating Officer once a fortnight till submission of the report in final form and shall not threaten or intimidate witnesses whatsoever.

The application for anticipatory bail being **CRM (A) 1585 of 2025** is, thus, allowed.

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.)