

08/07/2025

D/L 47

Ct. No.28

S.Kundu

Allowed

C.R.M.(A) 1837 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 Dantan police station case no. 204 of 2022 dated 27.5.2022 under Section 363/365/34 of the IPC.

In the matter of: Rebati Sahoo

... Petitioner

Mr. Abhijit Kr. Adhya

...for the petitioner.

Mr. Sanjoy Bardhan

Mr. Kaustav Banerjee

...for the State.

1. This is a second application for anticipatory bail.
2. Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is not the prime accused. She is the mother of the person against whom the main allegations have been levelled. Her prayer for application was rejected by this Court earlier on 31.10.2022 in CRM (A) 4838 of 2022, as the victim had not been recovered yet. However, the victim was thereafter recovered and has even given a statement before the Magistrate under Section 164 of the Code of Criminal Procedure.
3. Heard the learned counsel appearing for the State who relies on the statement of the victim recorded before the Magistrate.

4. It appears that there is indeed material change in circumstances as the victim has been recovered now, although the second application for anticipatory bail was filed on the ground of illness of the petitioner, which was clearly not a material change in circumstance. Nevertheless, by this time, the victim was recovered and she made an exonerative statement before the Magistrate.
5. This is indeed a material change in circumstance so as to render the second application for anticipatory bail maintainable. Accordingly, this application is found maintainable.
6. In view of the materials available in the case diary, the alleged role ascribed to the present petitioner and the exonerative statement made by the victim before the Magistrate, I am inclined to grant anticipatory bail to the present petitioner.
7. In the event of arrest, the petitioner 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 petitioner shall cooperate with the investigation and the petitioner shall not threaten or intimidate witnesses.
8. Accordingly, the application for anticipatory bail is allowed.

9. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)