

23.07.2025
SL.43
Ct.No.28
NB

CRM (A) 1850 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 Murshidabad P.S. Case No.369 of 2025 dated 26.04.2025 under Sections 329(4)/351(2)/64 of Bharatiya Nyaya Sanhita pending before the learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad.

And

In the matter of: Sultan Sk @ Imran Sk @ Erba Hossen Sk.
...petitioner

Mr. Soumyajit Das Mahapatra,
Md. Golam Nure Imrohi,
Ms. Madhurai Sinha.
....for the petitioner.

Mr. Sardar Sahin Imam,
Ms. Diksha Ghosh.
...for the State.

Mr. Navanil De,
Ms Monami Mukherjee.
...for the de facto complainant.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. First, there was a delay of about a month in lodging this FIR. The petitioner and the alleged victim were co-workers in a nursing home. The petitioner was, in fact, in some kind of relationship with the victim for some time. But when he came to know that she was maintaining a relationship with another person, he parted ways. Incidentally, the de facto complainant has also lodged an FIR against the said person Ramizul Alam with whom she was having such relationship.

Learned counsel appearing on behalf of the de facto complainant denies the allegations, opposes the prayer for anticipatory bail and submits that subsequently the petitioner and his brother in law, the owner of the nursing home, threatened the de facto complainant not to pursue the matter before this Court..

Learned counsel appearing on behalf of the State relies on the case diary and refers to the statement of the alleged victim recorded before the Magistrate.

It appears that there is a reference to the petitioner's mobile phone as having captured certain shots. Pursuant to this, an order was passed on 08.07.2025 upon the petitioner to submit his mobile phone before the Investigating Officer.

As per the report, the said mobile phone has been submitted by the petitioner and now, the same has been sent for forensic test. A report is awaited.

In view of the materials available in the case diary and the fact that the petitioner has complied with the direction passed in this matter to submit his mobile phone, I do not think that custodial interrogation of the petitioner would be 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/- each 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 meet the

Investigating Officer once a fortnight till submission of report in final form and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever.

The application for anticipatory bail being **CRM (A) 1850 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.)