

18.08.2025
Court No.28
Item No.16
ssi

CRM (A) 1946 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Deganga South PS Case No.**296 of 2025** dated **16.05.2025** under Sections 70(1) of the BNS, 2023.

And

In the matter of: **Moniar Rahaman & another.**

....Applicants/Petitioners.

Mr. Sourav Mondal
Mr. Arijit Bhuiya
Mr. Rony Mondal

...for the petitioners

Mr. Angshuman Chakraborty
Mr. S. S. Saha

...for the de facto

Mr. Partha Pratim Das
Ms. Suparna Chatterjee

..for the State

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

Learned counsel appearing on behalf of the petitioners submits as follows. The son-in-law of the petitioner no.2 used to beat up the petitioner's daughter. Things came to such a pass that the neighbours ousted him from his residence. Subsequently, a divorce took place. After this, on two different occasions the said former son-in-law engaged his female associates to file false cases of rape against the petitioner no.1. The petitioner no.2 is a close relative of petitioner no.1 and has also been falsely implicated in this case.

Learned counsel appearing on behalf of the de facto complainant submits that the present case has no connection with any issue that the petitioner no.1 may have with his son-in-law. A prima facie case is made out. The investigation is not being done properly. In fact, only male police officers were there to conduct the investigations.

Learned counsel appearing on behalf of the State denies the allegations and submits as follows. The statements of independent witnesses present at pages 68 and 69 of the case diary may be looked into. As per further investigation as directed, it was found that the present de facto complainant is the aunt of the petitioners' said former son in law. The CDR, SDR and CAF details of alleged persons as well as the victim lady shows that the alleged persons did not gather at the same place on the dates of occurrence as their cell phone addresses were found at different places.

It is submitted on behalf of the parties that initially a final report was submitted. However, upon a prayer made by the de facto complainant, a further investigation has been allowed.

Considering the materials available in the case diary including the statements of local witnesses, the fact that the de facto complainant is an acquaintance of the petitioners' former son-in-law as alleged and the recent inquiry done about the call detail records, I do not find that custodial interrogation of the petitioners is required in this case and I am inclined to grant anticipatory bail to the petitioners.

Accordingly, the application for anticipatory bail of the petitioners is allowed.

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 the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further

conditions that the petitioners shall not threaten or intimidate witnesses and shall co-operate with investigation. The petitioners shall meet the I.O. once a fortnight till submission of report in final form.

The application for anticipatory bail is, thus, disposed of.

(Jay Sengupta, J.)