

12/08/2025

D/L 24

Ct. No.28

S.Kundu

Allowed

C.R.M.(A) 2168 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 Special Case no. 221 of 2024 pending before the learned Additional Sessions Judge 1st Court, Baruipur arising out of Baruipur police station case no. 1958 of 2024 dated 8.12.2024 under sections 126(2)/115(2)/351(2) of the BNS.

In the matter of: Nasirujamman Molla @ Nashirujmman Molla

... Petitioner

Mr. Soumya Nag
Mr. Rajdeep Sengupta
Mr. Karan Prasad

...for the petitioner.

Mr. Md. Adil Badr
Mr. S. Bhattacharyya

...for the State.

1. Report filed on behalf of the State is taken on record.
2. Learned counsel appearing for the petitioner submits that the petitioner has been falsely implicated in this case. The place of occurrence in question is open to all. No such alleged offence could take place at such a place during busy working hours.
3. Learned counsel appearing for the State relies on the case diary and the further report filed on behalf of the State and opposes the prayer for anticipatory bail.
4. It appears from the further statement of the minor victim recorded before the Magistrate that over an incident she was assaulted by the petitioner. Elements of provisions of

the POCSO Act do not appear to be present in the further statement. Moreover, there is no medical report regarding the physical assault.

5. Considering the above and in view of the other materials available in the case diary and the fact that Charge-sheet has been submitted, I am inclined to grant anticipatory bail to the petitioner.
6. 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 shall not threaten or intimidate witnesses. The petitioner shall surrender and pray for bail before the jurisdictional Court within four weeks from date. Considering the nature of allegations and the different statements being given by the witnesses, let the petitioner stay beyond the jurisdiction of Baruipur Police Station for a period of two months except for meeting the I.O or attending the Court.
7. Accordingly, the application for anticipatory bail is allowed.
8. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)