

25/08/2025

D/L 43

Ct. No.28

S.Kundu

Allowed

C.R.M.(A) 2564 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 the GR case no. 5737 of 2022 arising out of Kaliachak Police station case no. 1029 of 2022 dated 14.9.2022 under sections 313/323/363/376D/379/34 of the IPC.

In the matter of: Jasmin Khatun @ Jasmina Khatun & Anr.

... Petitioners

Mr. Tapodip Gupta

...for the petitioners.

Mr. Sardar Shalim Imam

Mr. Soumya Bose Roy Chowdhury

...for the State.

1. Report filed on behalf of the State is taken on record.
2. Despite notice, no one appears on behalf of the de-facto complainant.
3. Learned counsel appearing for the petitioners submits as follows. The present petitioner no.1 had earlier lodged an FIR against the husband of the present de-facto complainant alleging commission of rape. In retaliation, the present case was registered against her and her family members. There is a delay of about three months in lodging the FIR. The principal co-accused was granted bail by this Court on 16.12.2022 in CRM (DB) 4431 of 2022.
4. The allegation of rape in the instant case requires to be assessed in the light of the above referred submissions

relating to prior enmity between the parties and a prior allegation of rape made by the present petitioner no.1 against the husband of the de-facto complainant.

5. Learned counsel for the State opposes the prayer for anticipatory bail and relies on the statement of the victim recorded before the learned Magistrate. Charge-sheet has been submitted.
6. In view of the above and considering the materials available in the case diary and the fact that the principal accused in this case was arrested and was thereafter granted bail, I do not think that custodial interrogation of the petitioners is required in this case and I am inclined to grant anticipatory bail to the petitioners.
7. 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 further conditions that the petitioners shall cooperate with the investigation and 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.)