

04.08.2025
SL.49
Ct.No.28
NB

CRM (A) 2434 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 Baduria P.S. Case No.434 of 2024 dated 30.08.2024 under Section 376D of the Indian Penal Code.

And

In the matter of: XXX

... petitioner

Ms. Anita Kaunda,
Mr. Anubrata Dutta.
...for the petitioner.

Ms. Anasuya Sinha Id.APP.,
Mr. Nahid Ahamed.
...for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the cousin of the alleged victim. The alleged victim is about 40 years old. She had raised a civil dispute regarding a property and thereafter, had started filing one case after the other against the present petitioner and others. In the first FIR started, inter alia, under Sections 325 and 354(B) of the Penal Code, the petitioner was granted bail. There was another proceeding started by the lady under Section 144 of the Code of Criminal Procedure. Afterwards, the present FIR has been lodged, that too after eight months from the alleged date of occurrence.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. She refers to the statement of the victim recorded before the learned Magistrate and the statements of her

relatives. She also points out the statements of neighbours who had not supported the prosecution case.

Considering the fact that there were multiple cases pending between the adverse parties and considering the materials available in the case diary including the statements of neighbours and the fact that charge sheet has been submitted, I am inclined to grant anticipatory bail to the present petitioner.

Accordingly, 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 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 not threaten or intimidate witnesses or tamper with evidence and shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date.

The application for anticipatory bail being **CRM (A) 2434 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.)