

AD 51
August 6, 2025
Ct. 28
SG

CRM(A) 2452 of 2025

Reject

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dalkhola P.S. Case No.433 of 2024 dated 22.12.2024 under Sections 126(2)/115(2)/70(1)/351(2)/3(5) of the BNS, 2023.

And

In the matter of:

XXX

... *petitioner*

Mr. Jayanta Narayan Chatterjee, Sr. Adv.
Mr. Sirshendu Sinha Roy
Mr. Supreem Naskar
Ms. Jayashree Patra
Ms. Pritha Sinha

... for the petitioner

Mr. Arindam Sen
Ms. Trina Mitra

... for the State

Mr. Santanu Talukder
Mr. Indranil Roy Chowdhury
Mr. Sourav Mukherjee

... for the de facto complainant

Learned senior counsel representing the petitioner submits that the petitioner is a student. His father got married to the de facto complainant. The marriage was dissolved in accordance with Muslim Shariyat Law. After about 45 days of alleged date of incident, wanton allegations were levelled against the petitioner and the family members. Two other co-accused surrendered before the learned trial court and were granted bail.

Learned counsel for the de facto complainant strongly opposes the prayer for anticipatory bail. The de facto complainant was forced to sign on documents which might have been made into divorce papers. She was brutally assaulted and then raped by the present petitioner. The petitioner and his family members are very powerful. The de facto complainant took time to come out of the area. Thereafter, she lodged a complaint. She suffered injuries as would be evident from the medical report.

Learned counsel for the State strongly opposes the prayer for anticipatory bail and points to the statements of the victim and independent witnesses as also the injury report of the victim.

Considering the incriminating materials available in the case diary, including the injury report showing injuries on the body of the victim, the statement of the victim recorded before the learned Magistrate as also the statements of other witnesses, I do not consider this to be a fit case for granting anticipatory bail.

The application for anticipatory bail is, thus, rejected.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)

