

18.08.2025
Court No.28
Item No.30
ssi

CRM (A) 2418 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Nakashipara PS Case No.**384 of 2025** dated **17.04.2025** under Sections **115(2)/64 & 3 (5)** of the BNS, 2023.

And

In the matter of: **XXX**

....Applicant/Petitioner.

Mr. Sumanta Das
Ms. Sayantika Sahu
Mr. Avilash Tripathi

...for the petitioner

Mr. Imran Ali
Mr. Abhishek Verma

..for the State

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

Notice was issued to the de facto complainant.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner happens to be the third wife of the petitioner's brother. The petitioner filed an application seeking maintenance allowance from the husband, but did not get anything. This prompted her to make false allegations against all the family members including the present petitioner who happens to be her brother-in-law.

Learned counsel appearing on behalf of the State submits as follows. There is a clear statement made by the victim before the learned Magistrate that she was raped by the present petitioner. This is supported by an injury report of the victim where she had stated that the petitioner, the husband and the other-in-laws had assaulted her and that she had also been sexually assaulted by the brother-in-law. However, the medical examination for rape was refused.

Considering the incriminating materials available in the case diary including the statement of the victim recorded before the learned Magistrate coupled with the injury report where there is a clear mention about sexual assault by the present petitioner, I do not consider that this is to be a fit case for granting anticipatory bail.

Accordingly, the application for anticipatory bail to the petitioner is rejected.

(Jay Sengupta, J.)