

29/07/2025

D/L 64

Ct. No.28

S.Kundu

Partly Allowed

C.R.M.(A) 2350 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 GR case no. 569 of 2025 arising out of Suri police station case no. 164 of 2025 dated 24.03.2025 under 376(2)(N)/328/386/120B of the IPC.

In the matter of: Sunil Murmu & Anr.

... Petitioners

Mr. Arka Ranjan Bhattacharyya

Ms. Ambiya Khatun

Mr. Asif Ikbal Baidya

...for the petitioners.

Mr. Bitashak Banerjee

Mr. Manoranjan Mahata

...for the State.

1. Affidavit of service filed on behalf of the petitioners is taken on record.
2. No one appears on the behalf of the de-facto complainant.
3. Learned counsel appearing on behalf of the petitioners submits that the petitioner no. 1 has already been arrested. As such, he does not want to press the application as the petitioner no. 1 is concerned. Petitioner no. 2 is not the prime accused. The FIR was registered after much delay.
4. Learned counsel appearing on behalf of the State relies on the statement of the victim and opposes the prayer for anticipatory bail. However, he admits that although the alleged incident took place in 2023, the FIR was lodged in 2025.

5. As the petitioner no. 1 is arrested his application for anticipatory bail is dismissed as having become infructuous.
6. Considering the materials available in the case diary, the delay in lodging the FIR and the alleged roles ascribed to each of the petitioner, I am inclined to grant anticipatory bail to the petitioner no. 2 (Smita Murmu @ Smita Kisku).
7. In the event of arrest, the petitioner no. 2 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 said petitioner shall cooperate with the investigation and shall not threaten or intimidate witnesses.
8. Accordingly, the application for anticipatory bail is allowed-in-part.
9. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)