

11/09/2025

D/L 23

Ct. No.28

S.Kundu

Allowed

C.R.M.(A) 2359 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 Dum Dum police station case no. 132 of 2025 dated 2.5.2025 under sections 376 of the IPC.

In the matter of: **Montu Sk. @ Deen Md. @ Deen Mahamad Sekh**

... Petitioner

Mr. Kallol Kr. Basu
Md. Jannat Ul Firdous

...for the petitioner.

Mr. Tanmoy Chatterjee

...for the O.P. no. 2.

Ms. Baisali Basu
Mr. Subhasish Datta

...for the State.

1. Report filed on behalf of the State is taken on record.
2. Learned counsel appearing for the petitioner submits as follows. The petitioner has been falsely implicated in this case. There is an allegation in the FIR that earlier the petitioner attempted to sexually assault her. Even after that she was allowed to enter the house when, it is further alleged, that he sexually assaulted the victim. The victim suffers from impulse control disorder and phsychosis. That is why, she had to be treated in an asylum. There is a delay of about one year andtwo months in lodging the FIR.
3. Learned counsel appearing for the de-facto complainant strongly opposes the prayer for anticipatory bail. He submits that the petitioner was kind of God-man who

brought the parents of the victim under his influence and induced them to send the victim asylum first. On a subsequent date, the petitioner raped the victim.

4. Learned counsel appearing for the State relies on the case diary and the report and submits as follows. The call tower location and analysis as required by this Court did not reveal anything. However, there are allegations made by the victim and her parents against the petitioner before the learned Magistrate.
5. There are medical reports available in the case diary containing prescriptions that the victim was suffering from psychological issues.
6. It is indeed quite surprising that although the alleged victim was working as a Technician at the Government Hospital, she did not lodge the FIR in time.
7. Considering the materials available in the case diary and the fact that there is an unexplained delay of about one year and two months in lodging the FIR, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the petitioner.
8. In the event of arrest, the petitioner 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 petitioner shall cooperate with the investigation and shall not threaten or

intimidate witnesses. The petitioner shall meet the Investigating Officer once a week till submission of report in final form and the petitioner shall stay outside the jurisdiction of Dum Dum Police Station for a period of six months except for meeting the Investigating Officer or attending the jurisdictional Court.

9. Accordingly, the instant application for anticipatory bail is allowed.
10. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)