

20.08.2025
Court No.28
Item No.54
tbsr
Reject

CRM (A) 2378 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Beldanga** P.S. Case No.**267 of 2025** dated **28.04.2025** under Sections **64/351(2)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: **Azimuddin Sk.**

....Petitioner.

Mr. Ali Ahsan Alamgir
Ms. Soma Mal
Ms. Rabia Khatoon
Ms. June Modak
...for the petitioner

Mr. Subhamoy Bhattacharya
Ms. Sana Naaz
....for the State

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

Learned counsel appearing on behalf of the petitioner submits that the petitioner is the cousin brother of the second husband of the de-facto complainant. There was a matrimonial dispute between the husband and the wife. The petitioner sided with the husband. This prompted the de-facto complainant to lodge the false FIR. There is a delay in lodging the FIR.

Learned counsel appearing on behalf of the State denies the allegations and opposes the prayer for anticipatory bail. Referring to the case diary, she submits that the victim after being driven out from the matrimonial home, took shelter in the petitioner's house. After a few days, he committed the sexual assault. There are statements of the independent witnesses supporting the prosecution case.

Considering the incriminating materials available in the case diary including the statement of the victim recorded before the learned Magistrate and the statements of other witnesses contained in the case diary, I do not consider this to be a fit case for granting anticipatory bail.

Accordingly, the application for anticipatory bail is rejected.

(Jay Sengupta, J.)