

04/08/2025

M/L 45

Ct. No.28

S.Kundu

Rejected

C.R.M.(A) 2430 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 Baduria police station case no. 298 of 2025 dated 4.6.2025 under sections 65(1)/74 of the BNS.

In the matter of: Ashik Ikbal

... Petitioner

Mr. Sekhar Kr. Basu, Sr. Adv.

Mr. Kusal Kr. Mukherjee

Mr. Surajit Basu

Ms. Jasika Alam

...for the petitioner.

Mr. D. Alam

Mr. Rofikul Islam Sardar

Mr. Uttam Kr. Pradhan

...for the de-facto complainant.

Mr. S. S. Islam

Ms. Pallavi Priyadarshee

...for the State.

1. Learned senior counsel appearing on behalf of the petitioner submits as follows. There was a prior rivalry between the father of the alleged victim and the present petitioner who were owners of rival schools in the locality. There were incidents of prior altercation and ransacking of the school run by the petitioner. A complaint was to be lodged in this regard. Soon thereafter, the father of the victim lodged the present FIR alleging molestation of her minor daughter. Subsequently, an attempt has been made to turn it into a case of rape.

2. Learned counsel appearing on behalf of the de-facto complainant strongly opposes the prayer for anticipatory bail.
3. Learned counsel appearing for the State relies on the materials available in the case diary including the two statements of the minor victim. The minor was about 11 years 6 months old at the time of incident. In the first incident, she alleges molestation and inappropriate acts committed by the petitioner. However, in the second statement she alleged further sexual assault.
4. Even if one goes only by the first statement of the minor victim recorded before the learned Magistrate coupled with other incriminating materials available in the case diary, it would not be an appropriate case where anticipatory bail could be granted.
5. Considering the materials available in the case diary, I am not inclined to grant anticipatory bail to the petitioner.
6. Accordingly, the application for anticipatory bail is rejected.

(Jay Sengupta, J.)