

08.08.2025
Court No.28
Item No.45
tbsr
Allowed

CRM (A) 2529 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Lake Town** P.S. Case No.**164 of 2025** dated **12.06.2025** under Sections **115(2)/85/3(5)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: **Mowmita Dey**

....Petitioner.

Mr. Robiul Islam
Mr. K. M. Hossain

...for the petitioner.

Ms. Amita Gour
Mr. Sourat Nandy

....for the State.

Mr. Sounak Banerjee
Mr. S. Das

....for the de facto complainant.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is the alleged girl friend of the de-facto complainant's husband. There is no ingredient of Section 85 of the BNS. Even the other provision is also made out in the facts and circumstances of the case. There is delay in lodging the FIR.

Learned counsel appearing on behalf of the de-facto complainant strongly opposes the prayer for anticipatory bail.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and points to the statements of the victim as well as the injury report which, however, does not show any grievous injury.

Considering the delay in lodging the FIR, the materials available in the case diary and the alleged role ascribed to the present petitioner, 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.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioner shall co-operate with investigation and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)