

AD 57
August 21, 2025
Ct. 28
SG

CRM(A) 2613 of 2025

Allowed

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Chanchal P.S. Case No.325 of 2022 dated 04.04.2022 under Sections 363, 365, 34 of the IPC and under Section 6 of the POCSO Act.

And

In the matter of:

Anwar Hossain @ Anowar

... petitioner

Mr. Sagar Saha

Ms. Nayana Mukhopadhyay

... for the petitioner

Mr. Bitasok Banerjee

Ms. Pallavi Priyadarshee

... for the State

Heard learned counsels for the parties.

Perused the case diary.

It appears that in the first statement given by the victim before the police after recovery, the present petitioner was not named. But, the petitioner's name was taken first time in the second statement of the victim recorded before the police on 10.01.2023. Again, in the statement recorded before the Magistrate on 05.04.2022, the victim did not take the petitioner's name.

In any event, the prime allegations are against another co-accused viz Minarul and he had been arrested and was granted bail.

Considering the materials available in the case diary, the fact that the petitioner's name was not taken by the victim in

the statement recorded before the Magistrate and the first statement recorded before the police, the principal accused was arrested and thereafter granted bail, the alleged role ascribed to the present petitioner and also the fact that a charge-sheet has been submitted, I do not find that custodial interrogation of the petitioner would be 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/- (rupees ten thousand) 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 the further conditions that the petitioner shall surrender before the learned trial court within four weeks from this date and pray for bail, shall attend the learned trial court regularly and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)