

28.10.2025
Court No.28
Item No.9
tbsr
Allowed

CRM (A) 2617 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Baishnabnagar** P.S. Case No.**677 of 2024** dated **15.07.2024** under Sections **137(2)/140(2)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Saidul Khan

....Petitioner.

Mr. Amit Ranjan Pati
Mr. Sunayan Ghosh
Ms. Swastika Choudhury
Ms. I. Nag

...for the petitioner.

Mr. P.P. Das
Mr. Raju Mondal
.....for the State.

Mr. Siddhartha Sarkar
Mr. Avijit Chatterjee
....for the victim

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

It contains a further statement of the alleged victim recorded before a learned Magistrate. According to such statement, the alleged victim has exonerated the petitioner. She stated that she had gone away to a relative's house. By mistake, a case was started against the present petitioner by her father.

However, this is in contradiction with the earlier statement of the victim recorded before a Magistrate that she was abducted by an unknown individual and raped.

The petitioner's case is that the alleged victim is a major now and the two have got married.

Such contention is supported by the de facto complainant who happens to be the father of the alleged victim.

Considering the submissions advanced on behalf of the petitioner and the de facto complainant, the materials available in the case diary, the subsequent statement of the alleged victim and the fact that charge sheet has been submitted, 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 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.)