

14.08.2025
Sl. No.34
Ct. 28
NB

C.R.M. (A) 2622 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Tehatta PS Case No.898/2024 dated 03.12.2024 under Sections 117(2)/3(5)/85/89 of the Bharatiya Nyaya Sanhita, 2023 pending before the learned Additional Chief Judicial Magistrate, Tehatta, Nadia.

And

In the matter of: Sohadeb Giri @ Sahadeb Giri

...petitioner

Mr. Somojit Das Mahapatra,
Mr. Abdul Aziz Mondal.
...for the petitioner.

Mr. Binoy Kumar Panda,
Ms. Sana Naaz.
...for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the husband of the alleged victim/de facto complainant. There is a delay of about 102 days in lodging the FIR. Earlier, proclamation issued against the petitioner was set aside by this Court. Presently, only a warrant of arrest is pending. Although the de facto complainant on her own volition agreed to have a medical termination of pregnancy done, she has gone on to allege in the FIR that the same was forcibly conducted.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the case diary and points to the statements of witnesses including that of the victim as also to the medical papers.

It appears that although the general consent form was signed by the husband as a guardian in the form for consent for the particular procedure, the de facto complainant and the petitioner both signed.

Considering the materials available in the case diary, 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.

Accordingly, 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner shall not threaten or intimidate witnesses or tamper with evidence and shall attend the jurisdictional Court regularly and he shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date.

The application for anticipatory bail being **CRM (A) 2622 of 2025** is, thus, allowed.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)