

09/09/2025

D/L 60

Ct. No.28

S.Kundu

Allowed

C.R.M.(A) 2647 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 Balurghat Women police station case no. 43 of 2025 dated 30.5.2025 under sections 64(1)/351(3) of the BNS.

In the matter of: **Azizul Molla @ Ajijul Molla**

... Petitioner

Mr. Anindya Ghosh

Mr. Pronojit Roy

...for the petitioner.

Mr. Debottom Das

...for the de-facto complainant.

Mr. Pravash Bhattacharyya

Mr. Tapas Kr. Saha

...for the State.

1. Learned counsel appearing for the petitioner submits that the petitioner and the de-facto complainant were both adults and have in a relationship. The de-facto complainant happens to be a married lady. The petitioner has been falsely implicated in this case.
2. Learned counsel appearing for the State opposes the prayer for anticipatory bail and relies on the materials available in the case diary including the statement of the victim recorded before the learned Magistrate and the injury report.
3. It appears from the statement of the victim recorded before the learned Magistrate that the two got acquainted and thereafter, entered into a relationship. It was stated that on a particular occasion they went to a hotel where

the alleged act was committed and she stayed there overnight and thereafter came back.

4. Considering the above, the nature of allegations and the materials available in the case diary, the fact that there was some kind of relationship between the private parties over a period of time, 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.
5. In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 further conditions that the petitioner shall cooperate with the investigation and shall not threaten or intimidate witnesses. The petitioner shall meet the I.O once a week till submission of report in final form. The petitioner shall surrender before the learned Trial Court and pray for bail within four weeks from date.
6. Accordingly, the application for anticipatory bail is allowed.
7. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)