

12.08.2025
Item No.06
Ct. No. 446
PG

C.R.M.(A) 2725 of 2025

In Re:- An application for anticipatory bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Kultali** Police Station Case No. **405** of **2024** dated **08.06.2024** under Sections **498A/302/34** of the Indian Penal Code pending before the Court of the Additional Chief Judicial Magistrate, Baruipur.

And

In the matter of : Biswanath Mondal alias Baiswanath Mondal
@ Putul

..... petitioner

Mr. Amal Kumar Mukhopadhyay
Mr. Palash Kanti Chakraborty
....for the petitioner

Ms. Shaila Afrin
Ms. Suruchi Saha
....for the State

1. It is submitted by the learned advocate for the petitioner that he is innocent and falsely implicated. More so, during investigation, it has come that he was not present at the spot but the minor child gives her statement, which is a tutored one, whereby the name of the petitioner and the specific overt act has been described by the child.
2. It is further submitted by the learned advocate for the petitioner that he is innocent and nowhere connected with the instant case.
3. The prosecution raises strong objection and draws the attention of the Court to the statement made under

section 183 of BNSS by the minor child before the learned Magistrate.

4. Heard the submissions of both the learned advocates.
5. Perused the materials in the case diary.
6. On careful consideration of the materials in the case diary, contents of the FIR, the nature of allegation levelled, which is a very gruesome act indeed and in view of the statement of the minor child, which, at this stage cannot be considered to be tutored one and more so considering the post-mortem report, which reveals the cause of death of the deceased victim, this Court finds that the present petitioner, throughout the investigation evaded investigating authorities and therefore, at this stage, when the overt act of the petitioner can be found from the the record, this Court is of the view that benefit of section 482(2) of BNSS may not be extended in favour of the petitioner. Hence the prayer for anticipatory bail is rejected.

(Chaitali Chatterjee (Das), J.)