

04.11.2025
Court No.28
Item No.20
ssi

CRM (A) 3063 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Tiljala PS Case No.**323 of 2025** dated **11.06.2025** under Sections 85/351(2)/74/115(2)/3(5)/79/89/62 of the BNS, 2023 ad adding Sections 64/62 of the BNS, 2023 read with Section 4 of the DP Act.

And

In the matter of: **XXXX**

....Applicant/Petitioner.

Mr. Soupal Chatterjee
Mr. Anupam Das
Ms. Mekhala Kar

...for the petitioner

Mr. Angshuman Chakraborty

...for the de facto

Ms. Baisali Basu
Ms. Pushpita Saha

...for the State

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

Learned counsel appearing on behalf of the petitioner submits as follows. The de facto complainant had been married twice earlier. The dissolution of such marriages ended in hefty settlements. The alleged date of occurrence is 02.05.2022. But, the present FIR was lodged by the de facto complainant on 11.06.2025 mainly with allegations that the husband had deserted her. It was only much later that she made an application before the police authorities to add a charge of attempt to rape against the present petitioner who happened to be the brother of the husband. This application was made in June, 2025, more than three years after the alleged date of occurrence. The petitioner has been falsely implicated in this case.

Learned counsel appearing on behalf of the de facto complainant opposes the prayer for anticipatory bail. He relies on subsequent complaint made before the Officer in Charge of the police station and a copy of medical report with history recorded therein as physical assault by the petitioner and others. However, examination revealed tenderness over chest, abdomen and back. It is disputed that the petitioner had dissolved earlier marriage after getting a hefty settlement.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. She relies on the statements of the victim and other witnesses. She submits that a further FIR has been lodged by the de facto complainant over the issue of assault by the petitioner on 11.08.2025 at a public place.

Considering the materials available in the case diary and the delay in implicating the present petitioner, 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, the application for anticipatory bail of the petitioner is allowed.

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 co-operate with the investigation and shall not threaten or intimidate the witnesses. The petitioner shall meet the

Investigating Officer once a fortnight till submission of report in final form. The petitioner shall stay beyond the jurisdiction of Tiljala Police Station for a period of six months from this date, except for attending Court or meeting the Investigating Officer.

The application for anticipatory bail is, thus, disposed of.

(Jay Sengupta, J.)