

10/11/2025
D/L – 30
Court No.28
S. Kundu
Allowed

C.R.M.(A) 3238 of 2025

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Sabang P.S. Case no. 243 of 2024 dated June 29, 2024 under Sections 341/323/506/379/376/307/34 of the IPC.

In the matter of: Swapan Kumar Dhara @ Swapan Dhara @ Mohon Dhara

...Petitioner.

Mr. Navanil De
Mr. Srinjan Ghosh

...for the petitioner.

Mr. Aswini Kr. Bera
Mr. Arijit Bera

...for the O.P. no. 2.

Mr. Saibal Bapuli
Mr. Manoranjan Mahata

...for the State.

1. Report filed on behalf of the State is taken on record.
2. Learned counsel appearing on behalf of the petitioner submits as follows. On 7.6.2024 there was an FIR lodged from the petitioner's side against the present de-facto complainant and others alleging attempt to murder, molestation and other offences. As a counterblast, on 19.6.2024 the present de-facto complainant lodged a complaint before the Magistrate which was thereafter, treated as an FIR. There was a false allegation of molestation and attempt to rape levelled against the petitioner.
3. Learned counsel appearing on behalf of the de-facto complainant strongly opposes the prayer for anticipatory

bail. He submits that the de-facto complainant was constrained to file further complaint regarding threats given by the other side.

4. Learned counsel appearing for the State opposes the prayer for anticipatory bail and he refers to the statement of the victim recorded before the Magistrate and others statements. However, he admits that there is no medical report of the victim present in the case diary.
5. Considering the materials available in the case diary and the fact that there are case and counter case, while I am inclined to grant anticipatory bail to the petitioner, his movement needs to be restricted for a limited period.
6. 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 the witnesses. The petitioner shall meet the I.O once a fortnight till submission of report in final form. The petitioner shall stay outside the jurisdiction of Sabang Police Station for a period of four months except for meeting the Investigating Officer or attending the jurisdictional Court.
7. Accordingly, the application for anticipatory bail is allowed.

8. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)