

03/12/2025
D/L - 11
Court No.28
S. Kundu
Allowed

C.R.M.(A) 3217 of 2025

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Banshihari P.S case no. 363 of 2025 dated 4/8/2025 under Sections 329(4)/65(1)/115(2) of the BNS.

In the matter of: XXX @ XXX

...Petitioner.

Mr. Biswajit Manna

...for the petitioner.

Ms. Afreen Begum

...for the de-facto complainant.

Mr. Saibal Bapuli

Mr. Santanu Talukder

...for the State.

1. Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner and the alleged victim had earlier got married. The petitioner had sent a notice for restitution of conjugal rights in 2022. At the time of marriage, the age of the alleged victim was 17 years. Taking advantage of the situation, the alleged victim filed the FIR being Banshihari P.S Case no. 90 of 2023 where even allegations under the POCSO Act were added. When the parents of the petitioner were discharged from that case, the mother of the victim filed the FIR being Kushmandi P.S Case no. 106 of 2023. As the parents of the petitioner were discharged from the first case, the lady filed another FIR being Banshihari P.S case no. 402 of 2024 alleging threats from the petitioner and further

case of rape. Now the fourth case being Banshihari P.S Case no. 363 of 2025 has been registered with further allegations of rape.

2. Actually, the petitioner had sent a notice for restitution of conjugal rights in 2022. It was only after this that the FIRs were instituted.
3. Learned counsel appearing for the de-facto complainant strongly opposes the prayer for anticipatory bail. She submits that some of the case had to be registered because of the threats given by the petitioner for withdrawing the first case. There was no marriage whatsoever that had taken place between the petitioner and the de-facto complainant.
4. Learned counsel appearing for the State opposes the prayer for anticipatory bail. He relies on the statements of the alleged victim and her mother.
5. However, it does not appear that there is any statement of the independent witnesses supporting the victim's version.
6. Considering the above and the other 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. However, the movement of the petitioner shall remain restricted for a limited period.

7. 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 Banshihari Police Station for a period of four months from date except for meeting the I.O or attending the jurisdictional Court.
8. Accordingly, the application for anticipatory bail is allowed.
9. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)