

03.11.2025  
Sl. No.35  
Ct. 28  
NB

**CRM (A) 3192 of 2025**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Chandrakona PS Case No.376/2025 dated August 02, 2025 under Sections 336(2)/329(3)/76/64/79/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: XXX

... petitioner

Mr. Sabir Ahmed,  
Mr. Shraman Sarkar,  
Mr. Dhiman banerjee,  
Mr. Quazi Ezaz Ahmed,  
Mr. Md. Tehasin Reja.  
...for the petitioner.

Mr. Z. N. Khan,  
Mr. Sujoy Sarkar.  
...for the State.

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

Despite service, no one appears on behalf of the de facto complainant.

Learned counsel appearing on behalf of the petitioner submits as follows. The alleged victim and her husband had taken money and failed to repay the same. The petitioner had made a prayer before the Mediation Centre and a notice was issued to the alleged victim in this regard. Soon thereafter, the present FIR was registered.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statement of the victim and the statements of the local witnesses. However, he admits that the victim had refused medical examination.

Considering the materials available in the case diary, the fact that the victim had refused medical examination and the apparent contradiction between the statements of the alleged victim and the local independent witness about the place of occurrence, 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 present petitioner.

Accordingly, 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner shall cooperate with the investigation and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and the petitioner shall meet the Investigating Officer once a week till submission of report in final form.

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

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

**(Jay Sengupta, J.)**