

07.11.2025
Court No.28
Item No.59
tbsr
Reject

CRM (A) 3330 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Thanarpara** P.S. Case No. **39 of 2025** dated **08.02.2025** under Sections **329(3)/115(2)/117(2)/354/3(5)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: **XXXXXX**

....Petitioner.

Mr. Dipanjan Chatterjee

Ms. Shipra Roy

Ms. Rimpa Adhikari

Ms. Kakan Das

....for the petitioner

Mr. S. S. Imam

Ms. Suveni Banerjee

....for the State

Mr. S. Paul

....for the de facto complainant

Learned counsel appearing on behalf of the petitioner submits as follows. This is a second application for anticipatory bail upon change in material circumstances. Earlier the petitioner's prayer for anticipatory bail was rejected by this Court on 05.08.2025 in CRM (A) 1902 of 2025. Thereafter, a settlement and compromise has been arrived at between the de facto complainant who is mother of the victim and the accused.

Learned counsel appearing on behalf of the de facto complainant files a Vakalatnama, which is taken on record. Upon instructions, he submits that a settlement and compromise has been arrived at between the private parties. As such, the de facto complainant does not have any objection if anticipatory bail is granted to the present petitioner.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. She refers to the earlier

order of rejection, which was passed on merits. She also refers to the materials available in the case diary including the statements of the victim and the independent witnesses. The 13 years old victim stated before the learned Magistrate that the accused assaulted her when she went to rescue her mother and thereafter threatened that they would kidnap her. According to the statement of a local witness present at page 15 of the case diary, the accused persons including the petitioner not only assaulted the mother of the victim and the victim, but also molested the minor victim. A prayer has been made for the issuance of proclamation. There is no material change in circumstance so as to maintain second application for anticipatory bail.

It appears that there are incriminating materials available against the petitioner in the case diary and the first application for anticipatory bail to the present petitioner was decided on merits.

The victim is a 13 years old minor girl. She is unable to arrive at any kind of settlement or compromise with the accused, if at all such agreement would have any value.

I do not find that there is any material or substantial change in circumstance so as to maintain a second application for anticipatory bail.

Accordingly, the application for anticipatory bail is rejected as not maintainable.

(Jay Sengupta, J.)