

25.11.2025
Court No.28
Item No.13
ssi

CRM (A) 3397 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Keshpur Police Station Case No. 368 of 2025 dated **09.08.2025** under Sections 85/115(2)/117(2)/64/316 (2)/127(2)/3(5) of the BNS, 2023 read with Sections 3 and 4 of the DP Act.

And

In the matter of: **XXX**

....Applicant/Petitioner

Mr. Navanil De
Ms. Monami Mukherjee

...for the petitioner

Mr. Soumyajit Das Mahapatra
Ms. Madhurai Sinha
Ms. Upasana Banerjee

...for the de facto

Mr. Bidyut Kr. Ray
Mr. Raju Mondal

..for the State

Learned counsel appearing on behalf of the petitioner submits as follows. The allegation of rape is against a co-accused/brother in law of the alleged victim. He has been granted anticipatory bail by Vacation Judge, Paschim Medinipur on 08.10.2025. It is an admitted fact that the present petitioner/husband has not been in visiting terms with a wife for a long time.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He points to the statement of the victim recorded before a learned Magistrate, the statements of neighbours, the injury report of the victim and the subsequent statements of six years and eight years old children of the victim recorded before the Investigating Officer.

This is an unfortunate case where the Investigating Officer did not even care to record the statement of the minor children of the victim earlier. It was only after a direction passed by this Court that the children's statement were recorded.

Although there was clear indication in the injury report, at least from the opinion of the doctor examining the victim, that there were signs of use of force, surprisingly the Vacation Judge, in his order granting anticipatory bail to the co-accused, recorded that the medical report did not suggest commission of rape and granted anticipatory bail to the co-accused.

The alleged victim seems to have been wronged by one and all.

Even so far as the present petitioner is concerned, there are serious allegations leveled in the FIR and the statement of the victim recorded before the learned Magistrate of dowry demand, torture and driving her out to fend for herself and the children. There are also allegations of dowry demand and torture as would be evident from the statements of the neighbours.

Considering the above and the other materials available in the case diary, I do not consider this to be a fit case for granting anticipatory bail.

Accordingly, the application for anticipatory bail of the petitioner is rejected.

(Jay Sengupta, J.)