

11.12.2025
Court No.28
Item No.37
ssi

CRM (A) 3606 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Islampur Police Station Case No. **379 of 2025** dated **19.04.2025** under Sections **329(4), 64(1), 126(2), 117(2), 324(2) and 3 (5)** of the BNS 2023.

And

In the matter of: **XXX**

....Applicant/Petitioner.

Mr. Sanjay Mazoomdar

...for the petitioner

Mr. Kaushik Chudhury

...for the de facto

Mr. Soumik Ganguly

Ms. Suchismita Dutta

..for the State

Learned counsel appearing on behalf of the petitioner submits as follows. On 15.02.2025, the mother of the present petitioner lodged an FIR alleging theft and grievous hurt against the present petitioner. As a counter blast on 19.04.2025, the present FIR was lodged showing the date of occurrence as 03.02.2025. The complaint was filed by way of an application under Section 175 (3) of the BNSS. The petitioner happens to be the brother in law of the alleged victim.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. She refers to the statements of the victim recorded before the learned Magistrate and statements of the brother of the victim. However, the victim refused to undergo the medical examination.

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

there were injuries suffered by the victim. As the police did not register the FIR, the learned Magistrate had to be approached.

Considering the above, the other materials available in the case diary, the delay in lodging the FIR and the refusal of the alleged survivor to undergo medical examination, while I am inclined to grant anticipatory bail to the petitioner, his movement needs to be restricted for a limited period.

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

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 the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further conditions that the petitioner shall co-operate 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 Islampur Police Station for a period of two months from this date, except for attending the jurisdictional Court or meeting the Investigating Officer.

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

(Jay Sengupta, J.)