

AD 25
December 9, 2025
Ct. 28
SG

Allowed

CRM(A) 3724 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Baishnabnagar P.S. Case No.347 of 2025 dated 26.03.2025 under Sections 137(2)/140(3)/3(5) of the BNS, 2023, and adding Section 64(2)M of BNS, 2023 and under Section 6 of the POCSO Act.

And

In the matter of:

Mithun Mandal @ Jiban Mandal

... petitioner

Mr. Biswajit Tiwari
Md. Sontu Mia
Ms. Alisha Parvin
Ms. Masuma Khatun
Md. Aziz Al Aman
Md. Mijanur Rahaman

... for the petitioner

Ms. Sonali Das
Ms. Debadrita Mondal

... for the State

Affidavit of service filed by the petitioner is taken on record.

Report filed by the State is also taken on record.

Despite service no one appears on behalf of the alleged survivor.

Learned counsel for the petitioner submits that there was a romantic relationship between the petitioner and the alleged survivor. The survivor is more than 17 years old. As the relationship turned sour, false allegations were levelled against the petitioner.

Learned counsel for the State opposes the prayer for anticipatory bail, relies on the statements of witnesses including the survivor and submits that in the statement made before the learned

Magistrate, the survivor stated that she was taken away in a motorcycle to the petitioner's house where others were also there. She was kept there for eight days and sexually assaulted by the petitioner. However, it is also admitted there that after coming to know about the police case started by the survivor's father, the principal accused took him and left her at the local police station.

Considering the above and the other materials available in the case diary, I do not think that custodial interrogation is required in this case and I am inclined to grant anticipatory bail to the petitioner.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) 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 the further conditions that the petitioner shall cooperate with the investigation, shall meet the investigating officer once a week till submission of report in final form and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)