

AD 40
December 17, 2025
Ct. 28
SG

Allowed

CRM(A) 3888 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Samsheganj P.S. Case No.788 of 2025 dated 30.07.2025 under Sections 296/329(4)/64/351(2)/117(2) of the BNS, 2023.

And

In the matter of:

Kush Ghosh

... petitioner

Ms. Minoti Gomes
Ms. Benajir Hasna
Mr. A. Islam
Mr. S. Haider

... for the petitioner

Mr. P.K. Dutta
Mr. Subham Bhakat

... for the State

Ms. Suveni Banerjee
... for the de facto complainant

Learned counsel for the petitioner submits that the mother of the petitioner had lodged an FIR against the de facto complainant alleging sexual assault and ransacking of her house. The FIR was registered on 22.05.2025. As a counterblast, the present FIR was lodged on 30.07.2025 alleging that an incident of sexual assault took place on 23.02.2025. The statements of the alleged survivor recorded before the police and the learned Magistrate differ from each other. According to the statements recorded before the learned Magistrate, she suffered cut injury in the hand and fracture on the head. The charge-sheet has been submitted.

Learned counsel for the de facto complainant strongly opposes the prayer for anticipatory bail.

Learned counsel for the State opposes the prayer for anticipatory bail and refers to the statements of witnesses and other documents present in the case diary. It does not appear from the medical report of the alleged survivor that any injury was inflicted on the head or in the hand. As per the version of the alleged survivor, it is recorded there that on the particular date i.e., on 23.02.2025, there was a forcible sexual intercourse, however, she also admitted that she had been in such a relation with the same person for the last six months. The charge-sheet has been submitted.

Considering the above, the other materials available in the case diary and the fact that charge-sheet has been submitted, 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 surrender before the jurisdictional court and pray for bail within four weeks from this date 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.)