

08.12.2025
Sl. No.45
Ct. 28
NB

CRM (A) 3825 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with GR Case No.1056/2025 arising out of Jhargram All Women PS Case No.58/2025 dated 27.10.2025 under Sections 69 of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Mithun Kisku

... petitioner

Mr. Soumyajit Das,
Ms. Madhurai Sinha.
...for the petitioner.

Ms. Faria Hossain,
Mr. Subham Bhakat..
...for the State.

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

Report filed on behalf of the State is also taken on record.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is an employee of the BSF. There was a love affair between the petitioner and the alleged survivor for the last 10 years. The petitioner has been falsely implicated in this case.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He refers to the statements of the victim and other witnesses as present in the case diary.

However, he admits that the survivor refused to undergo medical examination.

Considering the above and the other materials available in the case diary, the fact that admittedly there were some kind of a relationship between the two for a certain length of time and the fact that the victim had refused to undergo medical examination, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the present petitioner.

Accordingly, 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner shall cooperate with the investigation and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and the petitioner shall meet the Investigating Officer as and when required.

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

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)