

10/12/2025
D/L - 26
Court No.28
S. Kundu
Allowed

C.R.M.(A) 3871 of 2025

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Pakuria P.S case no. 39 of 2024 dated 15/12/2024 under sections 115(2)/351(3) of the BNS.

In the matter of: Hasen Ali & Anr.

...Petitioners.

Mr. Sourav Mondal
Ms. Moumita Kumer

...for the petitioners.

Mr. Tanmoy Choudhury
Mr. Abhishek Chakraborty

...for the de-facto complainant.

Mr. Prasun Kr. Dutta
Ms. Rita Datta

...for the State.

1. Report filed by the State is taken on record.
2. Learned counsel appearing for the petitioners submits as follows. The petitioner no. 1 was a minor when the date of occurrence. Actually, there was a love affair between the petitioner no. 1 and the alleged survivor. When the two were seen together, the mother of the survivor decided to start a criminal case. Although the date of occurrence was shown as 15/12/2024, the complaint was made before the Magistrate under Section 175(3) of the BNSS only on 4/1/2025.
3. Learned counsel appearing for the de-facto complainant opposes the prayer for anticipatory bail.

4. Learned counsel appearing for the State opposes the prayer for anticipatory bail. She relies on the case diary and points to the statements of the victim recorded before the learned Magistrate and statements of neighbours and relatives. However, the victim refused to undergo medical examination. Although, the victim has alleged that there was injury inflicted on her, the medical report does not disclose any external injury.
5. Considering the above and the other materials available in the case diary, although, I am inclined to grant anticipatory bail to the petitioners but their movement needs to be restricted for a limited period.
6. In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 further conditions that the petitioners shall cooperate with the investigation and shall not threaten or intimidate the witnesses. The petitioners shall meet the I.O once a fortnight till submission of report in final form. The petitioners shall stay outside the jurisdiction of Pakuria Police Station for a period of four months except for meeting the I.O or attending the jurisdictional Court.
7. Accordingly, the application for anticipatory bail is allowed.

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

(Jay Sengupta, J.)