

22/12/2025
D/L – 63
Court No.28
S. Kundu

C.R.M.(A) 4050 of 2025

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023.

In the matter of: Nurul Aras

...Petitioner.

Mr. Kunal Ganguly

...for the petitioner.

Mr. Sharegul Haque

...for the State.

1. Learned counsel appearing on behalf of the petitioner submits that the application for anticipatory bail is maintainable as there is no *prima facie* case made out in respect of Section 31(r) and 31(s) of the Scheduled Caste and Scheduled Tribes Prevention of Atrocity Act. It has been alleged in the FIR that abuses were hurled over the telephone and not in public view. The other provisions mentioned in the FIR are bailable.
2. Learned counsel appearing for the State opposes the prayer for anticipatory bail. He relies on the case diary, including on the statements of witnesses.
3. Considering the fact that the alleged abuses were hurled over the telephone and not in public view, the provisions of the special Act would not be *prima facie* attracted and consequently the application for anticipatory bail would not be maintainable.

4. However, this is a peculiar case where the other allegations are bailable.
5. Considering the above, the application for anticipatory bail is disposed of by granting the petitioner liberty to surrender before the learned jurisdictional Court and pray for bail within four weeks from date. If such an application for bail is made by the petitioner, the same shall be considered in accordance with law. The petitioner shall not be arrested for such period of four weeks.
6. Accordingly, the application for anticipatory bail is disposed of.
7. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)