

AD 38
March 31, 2026
Ct. 28
SG

Allowed

CRM(A) 242 of 2026

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliachak P.S. Case No.1821 of 2025 dated 24.10.2025 under Sections 137(2)/140(3)/123/64/77/351(2)/3(5) of the BNS, 2023.

And

In the matter of: *Majibar Sk @ Mojibar Sk*

... petitioner

Mr. Abhimanyu Banerjee
Mr. Arnab Saha
Mr. Sayan Mistri

... for the petitioner

Mr. S.S. Imam
Mr. Rajes Jana

... for the State

Report filed by the State is taken on record.

Despite service no one appears on behalf of the de facto complainant.

Learned counsel for the petitioner submits that the petitioner is the father of the principal accused. The only allegation against him is that he had allegedly threatened the de facto complainant when she approached him with a complaint against his son.

Learned counsel for the State opposes the prayer for anticipatory bail and submits that it is alleged by the 16 year old victim girl that the principal accused had kidnapped her at gunpoint, taken her to a room, forcibly intoxicated her and thereafter raped her. Thereafter he made a video of the act and circulated on the social media. He also threatened the

victim of dire consequences. In the FIR, there is an allegation that when the de facto complainant and her family members approached the family members of the principal accused, they were threatened by the present petitioner. Although the alleged victim refused medical examination, it is stated that the doctor in question was male. Charge-sheet has been submitted.

It appears that the principal accused is the son of the present petitioner, who could not be arrested as he was staying in Maharashtra. There are very serious allegations and materials available against him.

It is unfortunate that the investigating agency could not secure the attendance or custody of the principal accused in such a serious matter.

However, so far as the present petitioner is concerned, the only allegation is that he had threatened the victim's family members when they approached him regarding the alleged misdeeds of his son.

Considering the above, the other materials available in the case diary, the alleged role ascribed to the present petitioner 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 within four weeks from this date and pray for bail, shall attend the jurisdictional court regularly 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.)