

24.02.2026
Sl. No.16
Ct. 28
NB

C.R.M (A) 293 of 2026

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 Kandi PS Case No.533/2024 dated 12.11.2024 under Sections 85/64/62 of the Bharatiya Nyay Sanhita, 2023.

And

In the matter of: XXX

... petitioner

Mr. Debapriya Samanta,
Mr. Suhotro Palit,
Mr. Raktim Siddharta,
Ms. Tiyaasha Singha Roy,
Ms. Rima Halder,
Mr. Sabyasachi Howlader.
...for the petitioner.

Md. Anwar Hossain,
Md. Yesar Anmer Ismail.
...for the State.

No one appears on behalf of the de facto complainant despite service of notice.

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

From the report submitted by the concerned ASI, it appears that earlier, notice was given to the de facto complainant several times requesting her to undergo medico legal examination. But, the de facto complainant did not comply with the instruction. So the medical examination could not be done.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is an in law of the alleged victim. In the FIR lodged on 12.11.2024, the de facto complainant alleged that the petitioner had raped her on a day, which was prior to the Ratha

Yatra i.e. 07.07.2024. Therefore, there is a delay in lodging the FIR and even the date of occurrence has not been clearly pointed out.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. However, he submits that the medico legal examination could not be done as the alleged victim did not respond to the notice given by the Investigating Officer.

Considering the above, the other materials available in the case diary and the fact that the de facto complainant did not respond to have medico legal examination conducted, 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 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 once a week till submission of report in final form.

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.)

