

08.04.2026
Sl. No.48
Ct. 28
NB

C.R.M (A) 284 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 Baishnabnagar PS Case No.512/2025 dated 03.05.2025 under Sections 137(2)/140(3)/3(5) of the BNS, 2023.

And

In the matter of: Tapan Mandal @ Tufani Mandal ... petitioner

Mr. Atis Kumar Biswas,
Mr. Amit Singh.

...for the petitioner.

Mr. Avishek Sinha,
Mr. Arup Sarkar.

...for the State.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was having a relationship with the alleged survivor. The survivor is a major and a married person. Even after the incident, there were calls between the two. Copies of screenshots of video call and other calls made between the two, as filed on behalf of the petitioner, are relied upon. Even after the incident, the alleged victim was in touch with the petitioner over phone. She stated that her uncle was not in a mood to withdraw the police case.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statement of the victim recorded immediately after recovery by the Police, before the learned Magistrate. This implicates the present

petitioner. However, the alleged victim refused to undergo medical examination.

Considering the above, the other materials available in the case diary and the fact that the alleged victim 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 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.)