

08.04.2026
Sl. No.52
Ct. 28
NB

C.R.M (A) 624 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 Mogra PS Case No.623/2025 dated 24.12.2025 under Sections 318(4)/316(2)/329(4)/64/62/117(2)/109(1)/351(2)/3(5) of the BNS, 2023.

And

In the matter of: Manik Chandra Das ... petitioner

Mr. Sanat Kr. Das,
Mr. Sujon Chatterjee,
Mr. Rohan Bavishi.
...for the petitioner.

Mr. Bitasok Banerjee,
Mr. Subhasish Datta.
...for the State.

Mr. Arka Ranjan Bhattacharya
...for the de facto complainant.

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

Learned counsel appearing on behalf of the petitioner submits as follows. On 18.10.2025, the son of the present de facto complainant attacked the house of the present petitioner and sexually assaulted the mother of the present petitioner. An FIR was lodged on 19.10.2025. The said accused was arrested and was released on bail on 12.12.2025. Soon after that, on 15.12.2025, the present de facto complainant filed an application before the learned Magistrate seeking a direction for investigation into his allegations. Among other things, he alleged that on the very same day i.e., on 18.10.2025, the daughter in law of the present de facto complainant was sexually assaulted by the

petitioner. The petitioner has been falsely implicated in this case as a counterblast against the earlier case started in respect of sexual assault on the petitioner's mother.

Learned counsel appearing on behalf of the de facto complainant opposes the prayer for anticipatory bail. He submits that he had approached the police soon after the incident, but no FIR was registered.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statements of the victim recorded before the learned Magistrate. He also refers to the injury report of the father in law of the victim, which, however, does not show infliction of any grievous injury. He also submits that the alleged victim refused to undergo medical examination.

There is nothing on record to show that soon after the alleged incident, the de facto complainant sought to lodge a complaint before the police.

Considering the above, the other materials available in the case diary, the delay in lodging the present FIR, the fact that the de facto complainant's son was in custody in connection with a case started by the mother of the present petitioner about sexual assault committed on her and the fact that the alleged victim in this case has 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 fortnight 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.)