

22.04.2026
Court No.28
Item No.46
ssi

CRM (A) 838 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Narayanpur Police Station Case No.58 dated **18.02.2026** under Sections 127 (2)/316(2)/351(2)/64(2) (f)/69/89/3(5) of the BNS 2023.

And

In the matter of: **Tithi Mondal & others.**

.... Petitioners

Mr. Satyendra Agarwal
Mr. Animesh Pal
Mr. Bijoy Bag
Mr. Tamal Krishna Ghosh

...for the petitioners

Mr. Sanjib Das
Mr. Madhusudan Mukhopadhyay
Ms. Sandhya Kumari

...for the victim

Ms. Zareen Khan
Ms. Soukteya Ganguly

..for the State

Learned counsel appearing on behalf of the petitioners submits as follows. The principal accused had a relationship with the alleged victim since 2023. They even lived together for some time. Later on, an abortion had to be done on the alleged victim. The present petitioner is only a friend of the principal accused. The petitioner no.2 is another friend of the principal accused and the petitioner no.3 is a house help. They have been falsely implicated in this case. There was a delay in lodging the FIR.

Learned counsel appearing on behalf of the de facto complainant opposes the prayer for anticipatory bail. The present petitioner was instrumental in getting the abortion done on the victim without her consent. The victim was forced to sign the consent papers. The

petitioner no.1 also signed on the consent paper. It is alleged that today in the morning, the relatives of the principal accused came in front of the victims' place and attempted to pressurize her to withdraw the present case.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. She relies on the statements of witnesses including that of the victim recorded before the learned Magistrate and the medical reports. She also refers to the admission form of the alleged victim for abortion in a nursing home, which contains the signatures of both the victim as well as the present petitioners. It appears that there is also an allegation that the principal accused had taken objectionable videos and photographs of the victim on his mobile phone.

Upon instructions from the I.O. present in Court, learned counsel for the State submits that the Investigating Officer did not seize the mobile phone as he did not find any such video or photograph, upon cursory examination.

The Investigating Officer is not an expert to trace out such videos or photographs from a mobile phone if such videos or photos are deleted.

Let the Investigating Officer conduct the investigation properly and seize the mobile phone of the principal accused.

So far as the presence of the signature of the present petitioner in the admission form of the victim is concerned, the victim's signature also appears there. Although she has alleged that her consent was taken forcibly, it appears that the admission took place on 13.01.2026, whereas the present FIR was lodged only on 16.02.2026.

Considering the above, the other materials available in the case diary, the alleged roles ascribed to the present petitioners and the fact that the principal accused is still in custody, I do not think that custodial interrogation of the petitioners is required in this case and I am inclined to grant anticipatory bail to the petitioners.

In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 further conditions that the petitioners shall co-operate with the investigation and shall not threaten or intimidate the witnesses. The petitioners shall stay outside the jurisdiction of Narayanpur Police Station for a period of four months from this date, except for attending the jurisdictional Court or meeting the Investigating Officer or casting their votes in the ensuing assembly election.

The application for anticipatory bail is, thus, disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)