

AD 7
April 20, 2026
Ct. 28
SG

Allowed

CRM(A) 1022 of 2026

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Survey Park Women P.S. Case No.03 of 2025 dated 07.10.2025 under Sections 376D/342/323/354C/406/506/ 114 of the IPC.

And

In the matter of: Sk. Maniruddin @ Sekh Maniruddin

... *petitioner*

Mr. Milan Mukherjee, Sr. Adv.
Mr. Keshab Chandra Das
Ms. Aparajita Mondal
Mr. Biplab Adak

... for the petitioner

Ms. Rituparna De Ghose
Mr. Bikram Mitra

... for the State

Mr. Fazlur Rahmn
Md. Babul Hussain
Ms. Dona Sanyal
Ms. Sikha Biswas
Mr. Mihinur Hossain
Mr. Rahil Rahman
Mr. Wasim Jamadar
Md. Babar Ansari

... for the de facto complainant

Learned senior counsel representing the petitioner submits that there is a property dispute between the de facto complainant and the accused persons. The present petitioner is a friend of the principal accused. There have been prior litigations between the parties. On 29.01.2022, the de facto complainant filed an FIR against some of the accused. A counter FIR was also lodged from the side of the petitioner. Again, on 15.05.2023, the de facto complainant lodged an FIR, inter alia, under Section 354 of the Penal Code. On 27.10.2025, the de facto complainant lodged an FIR alleging, among other things, gang rape by the present petitioner in the year 2018 with the date of occurrence being

01.12.2018. It cannot be excused that out of shame the de facto complainant could not lodge an FIR in 2018 or any time thereafter, since, she had already lodged an FIR under Section 354 of the Penal Code in the year 2023. A co-accused was arrested and thereafter granted bail. Charge-sheet has been submitted.

Learned counsel for the de facto complainant opposes the prayer for anticipatory bail and submits that the delay in lodging the FIR has been explained in the FIR itself. It was out of shame that the de facto complainant could not disclose the true facts earlier.

Learned counsel for the State opposes the prayer for anticipatory bail and relies on the statements of witnesses, including that of the victim recorded before the learned Magistrate. However, she refers to the statement of a doctor before whom the procedure of DC was done after abortion of the alleged victim. She did not even confide in the doctor about what had happened to her.

It appears from the FIR itself that the alleged incident took place in 2018 and similar things were allegedly continuing for some time. The FIR also contains grievance regarding non-conveyance of a property for which payment was made.

It is also a fact that in 2022 and 2023, the de facto complainant lodged FIRs against the adverse sides alleging, among other things, offences under Section 354 of the Penal Code as in 2023. But, she still chose not to disclose the present facts then and decided to state the same for the first time in October, 2025.

Considering the above, the other materials available in the case diary and the fact that there is a long delay in lodging the FIR,

although I am inclined to grant anticipatory bail to the petitioner, his movement shall remain restricted for a limited period.

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, shall not enter into the jurisdiction of Tangra Police Station for a period of six months except for attending the jurisdictional court or for casting vote in the ensuing Assembly Elections 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.)