

05.01.2026
Court No.28
Item No.33
tbsr
Allowed

CRM (A) 4178 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Palashipara** P.S. Case No.**571 of 2025** dated **03.11.2025** under Sections **85/103/115(2)/117(2)/351(2)/64/62/76/3(5)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: XXX

....Petitioner.

Mr. Asraf Mandal
...for the petitioner.

Ms. Shalini Bairagi
Mr. Priyankar Ganguly
Ms. Pipasa Chakraborty
....for the de facto complainant.

Mr. Soumik Ganguly
Mr. Debarshi Brahma
.....for the State.

Heard the learned counsels for the petitioner, the de facto complainant and the State.

Perused the case diary.

It appears that the allegation of attempted rape is against a co-accused/brother-in-law of the victim. The present petitioner happens to be the uncle-in-law.

The victim has made specific allegations against the present petitioner along with other assailants in her statements before the learned Magistrate and also mentioned his name in the injury report. However, it is also admitted in the statement of the victim that prior

to the alleged incident of attempted strangulation, there was a notice of divorce already issued by the husband.

Considering the above, the other materials available in the case diary and the alleged role ascribed to the present petitioner, 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.

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 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 condition that the petitioner shall cooperate with investigation, shall meet the I.O. once a week till submission of report in final form and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)