

28.01.2026
Court No.28
Item No.11
tbsr
Partly Allow

CRM (A) 4275 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Gangarampur** P.S. Case No.**413 of 2025** dated **20.06.2025** under Sections **126(2)/115(2)/117(2)/351(2)/3(5)** of the Bharatiya Nyaya Sanhita, 2023 read with Section 4/8/18 of the POCSO Act.

And

In the matter of: Mamtaj Bibi & Ors.

....Petitioners.

Mr. Sarthak Burman
Mr. Vivek Paswan
...for the petitioners.

Ms. Faria Hossain, Id. APP
Ms. Sayanti Santra
.....for the State.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners have been falsely implicated in this case. There was a mere altercation that took place between two neighbouring families. The petitioners claim parity with some other co-accused who were granted anticipatory bail by this Court on 25.09.2025 in CRM(A) 2870 of 2025.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. She submits that while the female petitioners herein stand on the same footing as that of the female petitioners who were granted anticipatory bail earlier, the male petitioner, being the petitioner no. 4, stands completely on a different footing. He is one of the principal accused in this case. She refers to the statements of witnesses including the victim made before the learned Magistrate and other materials available in the case diary.

Considering the above and the other materials available in the case diary and the respective roles attributed to each of the present petitioners, while I am inclined to grant anticipatory bail to the petitioner nos. 1, 2 and 3, the application for anticipatory bail of the petitioner no. 4 (Jabed Ali Miah @ Jabed Ali) is rejected.

In the event of arrest, the petitioner nos. 1 (Mamtaj Bibi), 2 (Saharbanu Khatun Bibi @ Saharbanu Bibi) and 3 (Mampi Khatun) 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 condition that the petitioner Nos. 1, 2 and 3 shall cooperate with investigation and shall not threaten or intimidate witnesses.

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.)