

17.02.2026
Sl. No.22
NB

CRM (A) 64 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 Khanakul PS Case No.745/2025 dated 06.11.2025 under Sections 329(4)/115(2)/76/79/70(1)/352/351(2)/3(5) of the BNS, 2023.

And

In the matter of: Molla Aminul @ Aminul Molla & Anr.
... petitioners

Sk. Abdus Salam,
Mr. Subrata Mukherjee.
...for the petitioners.

Ms. Sujata Das,
Mr. Sarthak Mondal.
..for the State.

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

Despite service, no one appears on behalf of the de facto complainant.

Learned counsel appearing on behalf of the petitioners submits that during pendency of this application, a charge sheet has been submitted in this case and the petitioner no.2 has not been named as an accused in this case. As such, the petitioner would not like to press this application so far as the petitioner no.2 is concerned.

In view of the above, the application for anticipatory bail is dismissed as not pressed so far as the petitioner no.2 is concerned.

However, if in future the petitioner no.2 is made an accused in this case, he shall be at liberty to pray for anticipatory bail.

Learned counsel appearing on behalf of the petitioner no.1 further submits as follows. The petitioner no.1 has been named as an accused in the charge sheet. He has been falsely implicated in this case. The alleged victim refused to undergo medical examination.

While one of the co-accused was arrested, the other female co-accused were granted anticipatory bail.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. She submits that the petitioner and others had been teasing the victim and making indecent proposals. On a particular day, they allegedly came and sexually assaulted her. When the victim went to protest, the family members seriously assaulted her. Even now, threats are being given to withdraw the case. Reliance is placed on the statements of the victim, her minor children, the husband and the neighbours. Although the petitioner had refused to undergo medico-legal examination, there are injury reports, which show that injuries were inflicted on her.

Considering the above, the other incriminating materials available in the case diary and the alleged roles ascribed to the present petitioner, I do not consider this to be a fit case for granting anticipatory bail to the petitioner no.1.

Accordingly, the application for anticipatory bail of the petitioner no.1 is, thus, rejected.

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.)