

19/05/2025

D/L 48
Ct. No.28
S.Kundu
Allowed

C.R.M.(A) 1603 of 2025

In Re:- An application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 438 of the Code of Criminal Procedure. In connection with Kalyani police station case no. 418 of 2025 dated 30.4.2025 under sections 69/74 of the BNS.

In the matter of: Debdas Sarkar

... Petitioner

Ms. Minoti Gomez
Ms. Deblina De

...for the petitioner.

Mr. Partha Sarathi Mondal
Mr. Chiranjit Saha

...for the de-facto.

Mr. Arindam sen
Mr. Sujan Chatterjee

...for the State.

1. Learned counsel appearing for the petitioner submits as follows. The present de-facto complainant had earlier lodged another FIR against the petitioner alleging the same offence of rape. In the earlier FIR, which was registered pursuant to direction given under Section 156(3) of the Code, she alleged that the first such incident happened on 5.1.2019 and the last one on 24.11.2021. Evidence is going on in the said case. The petitioner was granted anticipatory bail in the said first case. In the second case, no date and time or other details have been mentioned, but an allegation has been made that the petitioner entered into a relationship on false promise of

marriage and raped the victim. There is no disclosure made about the earlier case.

2. Learned counsel appearing for the de-facto complainant strongly opposes the prayer for anticipatory bail and submits that in the second case alleging rape against the petitioner, the petitioner should not be granted anticipatory bail.
3. Learned counsel appearing for the State relies on the materials available in the case diary and submits that a *prima facie* case is made out. But, she refused medical examination.
4. Considering the nature of allegations, the materials available in the case diary and the surprising non-disclosure of the earlier case with similar allegations against the same accused in the instant FIR, I do not think that custodial interrogation of the petitioner is required in this case.
5. In the event of arrest, the petitioner 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 further conditions that the petitioner shall cooperate with the investigation and shall not threaten or intimidate witnesses.
6. Accordingly, the application for anticipatory bail is allowed.

7. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)