

10.09.2025
Sl. No.22
NB

CRM (A) 2650 of 2025

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 Chandrakona P.S. Case No.311/2024 dated 27.09.2024 corresponding to GR Case No.1000 of 2024 under Sections 341/376(2)(n)/417/420/406/506/34 of the Indian Penal Code, 1860.

And

In the matter of: Sk. Najrul Islam @ Najrul Islam Khan
... petitioner

Mr. Bikash Ranjan Bhattacharya Sr.Adv.,
Mr. Anindya Lahiri Sr.Adv.,
Mr. Amitava Ghosh,
Mr. Madan Mohan Roy,
Mr. Haripada Nayek,
Mr. Subhomoy Paul,
Mr. Anish Chakraborty.
...for the petitioner.

Mr. Anwar Hossain,
Mr. Shashanka Sekhar Saha.
...for the State.

Mr. Sabir Ahmed,
Ms. Pampa Dey Dhaval,
Mr. Tasnim Ahamed,
Mr. Dhiman Banerjee.
...for the de facto complainant.

Learned senior counsel representing the petitioner submits as follows. The allegation of rape was made much later. There were actually some transactions of money lending between the private parties. There was no other relationship between the victim and the present petitioner whatsoever. It is true that the application for anticipatory bail of a co-accused was turned down by this Court earlier, but that was before a charge sheet was submitted. The victim refused to undergo medical examination. The issuance of

proclamation is not an absolute bar to entertaining an application for anticipatory bail. The other co-accused has been granted bail.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He submits that by an order dated 16.01.2025 passed by a Division Bench of this Court in *CRM (A) 17 of 2025*, the application for anticipatory bail of a co-accused standing on a much better footing than the present accused was turned down. The petitioner prayed for anticipatory bail on a number of times before the Sessions Court and had not pressed the same on a number of occasions. The incident happened a long time ago. As such, medical examination during investigation would have not revealed much. Proclamation has already been issued against the petitioner.

Learned counsel appearing on behalf of the State relies on the report, which is taken on record. He also relies on the case diary and opposes the prayer for anticipatory bail. He submits that the prayer for issuance of proclamation before the learned Trial Court was made a day before the affirmation of this application for anticipatory bail. However, soon after filing of this application, a proclamation was issued. The victim had refused to undergo medical examination on 29.09.2024 and the co-accused was denied the benefit of anticipatory bail by this Court on 16.01.2025. Therefore, the Division Bench was aware of such fact.

First, a proclamation has already been issued against the present petitioner.

Secondly, a co-accused standing on a better footing was denied the benefit of anticipatory bail by a Division Bench of this Court.

It appears that the prime allegation of the petitioner is that she was sexually exploited by the accused including the petitioner. She was also induced to pay money to the miscreants. Then she was threatened. As was held by the Division Bench in the application for anticipatory bail, the purported delay in lodging FIR has been explained.

Considering the gravity of the allegations, the incriminating materials available in the case diary, the fact that a better placed accused was denied the benefit of anticipatory bail by a Division Bench of this Court earlier and a proclamation has already been issued against the present petitioner, I do not consider this to be a fit case for granting anticipatory bail to the petitioner.

The application for anticipatory bail being **C.R.M. (A) 2650 of 2025** 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.)