

AD 23
November 19, 2025
Ct. 28
SG

Allowed

CRM(A) 3162 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Tehatta Police Station Case No.657 of 2025 dated 21.08.2025 under Section 66 of the I.T. Act, 2006 and Section 6 of the Protection of Sexual Offences Act, 2012.

And

In the matter of:

Barun Biswas @Barun Kumar Biswas
... petitioner

Mr. Jaydeep Biswas
Mr. Amanul Islam
Mr. Sourav Mukherjee
Mr. Koushik Ghosh

... for the petitioner

Mr. Sanjoy Bardhan
Mr. Dipankar Mahata

... for the State

Report filed by the State is taken on record.

Learned counsel for the petitioner submits that the de facto complainant had taken a loan from the petitioner. There was some dispute regarding repayment of the loan. As a counter-blast, the de facto complainant lodged the instant case alleging that about one year ago the victim was sexually assaulted by the petitioner. A charge-sheet has been submitted. During pendency of this application the petitioner has handed over his mobile phone to the investigating officer as per direction of this Court.

Learned counsel for the State relies on the case diary, opposes the prayer for anticipatory bail and submits that the medical examination of the victim was refused.

Considering the above and the materials available in the case diary, the delay in lodging the FIR, the refusal to undergo medical examination and the fact that charge-sheet has been submitted, 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/- (rupees ten thousand) 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 the further conditions that the petitioner shall surrender before the jurisdictional court and pray for bail within four weeks from this date and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)