

18.12.2025
Sl. No.15
Ct. 28
NB

CRM (A) 3349 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 Haldia Women PS Case No.77/2025 dated 11.09.2025 under Section 115(2)/329(4)/351(2)/64/76/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Dilip Pati

... petitioner

Mr. Billwadal Bhattacharyya, Sr.Adv.,
Mr. Moyukh Mukherjee,
Mr. Subhajit Dey,
Ms. Sagnika Banerjee.
...for the petitioner.

Mr. Madhusudan Sur,
Md. Kutubuddin.
...for the State.

Mr. Ayan Basu,
Mr. Sourav Bera,
Mr. Sumit Routh.
...for the de facto complainant.

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

Learned senior counsel representing the petitioner submits as follows. The alleged victim and her husband were clients of the present petitioner, who is an advocate. An amiable relationship developed between the parties. The de facto complainant's husband had taken a loan from the petitioner, but could not repay the same. Consequently, a cheque was issued, which was dishonoured leading to initiation of proceedings under the Negotiable Instruments Act. There was also a writ petition filed by the alleged victim and her husband. An FIR was registered. A writ petition was also filed by the petitioner against the de

facto complainant's husband regarding unauthorized construction being carried out on a plot adjacent to the petitioner's property. Thereafter, on 11.09.2025 the instant FIR was lodged alleging that on 07.09.2025, the petitioner committed rape upon the victim while another accused assisted him. It was also alleged that acid was thrown at her. At the relevant time, the petitioner was present in a meeting with the Investigating Officer of another case in which the petitioner's clients had been implicated. At the relevant time, he also made phone calls to others, including his wife.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail, relies on the case diary including the injury report and medico legal examination report and the statement of the victim recorded before the learned Magistrate. He also relies on the earlier report and the reports filed on the CCTV footage. Although initially, it was submitted on behalf of the State that the CCTV footage of the Police Station did not show the presence of the petitioner, subsequently, a CCTV footage was provided in a pen drive, which showed that the petitioner was present at/outside the police station for a period till 11.06 hrs on 07.09.2025.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail and submits that, so far as the cheque in question is concerned, the de facto complainant had already lodged an FIR about how the same was misused. In fact, the de facto complainant faced difficulty in ensuring proper inclusion of provisions in the FIR and even for registering the FIR in a timely manner. It is clear from the injury report that there was a burn injury on the hand of the victim.

Effectively, it is the case of the prosecution that after visiting the police station and being there till 11.06 hrs, the petitioner went to the place of occurrence and committed rape upon the victim between 11.30hrs and 12.00 hrs.

However, the report filed today regarding calls made/received by the petitioner from his mobile phone on the relevant date shows that on 07.09.2025 at 10.45 hrs, there was call with one Jakir Ali, at 11.41.41hrs, there was a call made with the petitioner's wife and at 11.59.28hrs, there was another call made to the said Jakir Ali.

The injury report also contains "question marks" beside the words "acid burn/chemical burn".

Considering the above, the other materials available in the case diary, the fact that there are prior litigations pending between the parties, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the present petitioner.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner shall cooperate with the investigation and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and shall meet the Investigating Officer once a fortnight till submission of report in final form.

The application for anticipatory bail is, thus, disposed of.

The personal appearance of the Investigating Officer is noted and is dispensed with.

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.)