

14.5.2025
SL No.2
Court No.1
(tk)

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

CRM (A) 201 of 2025

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

In the matter of : **Amaresh Barman@Apu,**

...Petitioner.

Mr. S.K. Roy Basunia,

....For the Petitioner.

Mr. T. Bhattacharjee,
Mr. D. Sil,

.... For the State.

1. The application for anticipatory bail is canvassed on the ground that the complainant has not stated that the offence of rape had occurred on her.
2. It is further argued that the alleged victim has unleashed a personal vendetta against the applicant in view of a long standing rivalry between her husband and the applicant.
3. This Court, however, notes that there are no particulars of such rivalry or disputes between the applicant and the victim's husband mentioned in the application for anticipatory bail.
4. The complaint and the statement of the victim under section 164 of the CrPC/section 183 of the BNS have been considered by this Court. The applicant has not been able to explain the circumstances under which he entered the house of the victim

and her bedroom at 7 p.m. in the absence of the victim's husband.

5. It is further submitted on behalf of the prosecution that the applicant has antecedents of criminal activities in the past for which Pundibari P.S. Case No.179/2024, dated March 16, 2024 and Pundibari P.S. Case No.460/2024, dated June 23, 2024, inter alia, under sections 341/346/307/506/323/325/354 of the IPC have been lodged.
6. In the above circumstances, this Court is not inclined to entertain the application for anticipatory bail at this stage.
7. The application for anticipatory bail is rejected at this stage.

(Rajasekhar Mantha, J.)