

July 10, 2025
(10) ARDR

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRM (M) 47 of 2025

In Re : An application for cancellation of bail under Section 483(3) of the BNSS, 2023.

And

Re :	XXXXXXXX	... Petitioner
Ms. Suman Sehanabis,		
Ms. Anwasha Chakraborty,		... for the petitioner.
Mr. Subhasish Misra,		...for the opposite party no.2.
Mr. Tapan Bhattachahrjee,		
Mr. Dr. Arjun Chowdhury,		...for the State.

This is an application for cancellation of bail granted by the learned Sessions Judge, Cooch Behar vide order dated February 24, 2025 passed in Bail Petition no. 260 of 2025.

The petitioner, private opposite party and the State are represented.

It is submitted on behalf of the petitioner that the impugned order sought to be cancelled was passed by the learned Sessions Judge without considering the materials more specifically the medical examination report of the victim where it has been stated by the medical Officer that possibility of physical relationship cannot be ruled out. Under such circumstances, it is

submitted that the order passed by the learned Sessions Judge is perverse and is liable to be cancelled.

Learned advocate for the State submits that medical examination of the victim was conducted on February 27, 2025, i.e. after the order of bail was passed on February 24, 2025.

Learned advocate for the private opposite party submits that the petitioner has been complying with the conditions of bail order dated February 24, 2025. He has never misused the privilege extended to him.

Having heard the learned advocates for the parties, it transpires that the opposite party was the accused in a case under Section 318(2)/69/61(1)/3(5) of the BNS. On perusal of the impugned order it transpires that the learned jurisdictional Court noted in such order that there was no medical report with regard to sexual offence available at the time of hearing of the bail petition. Admittedly, the medical examination was done after the bail order was passed. It is informed that on earlier two occasions, i.e. on January 24, 2025 and February 20, 2025, the victim did not appear for medical examination. The impugned order also noted that the case was filed at a belated stage and that the victim girl had taken sedative overdose.

It has been submitted on behalf of the private opposite party that the petitioner and the victim were in a relationship.

The order impugned also notes sedative overdoes taken by the victim might be for breaking up of for marriage with the petitioner.

Considering the aforesaid facts and circumstances and the impugned order as well as the material in the Case Diary produced today, it appears that the impugned order is based on certain plausible reason and that it can be said to be unreasoned.

Consequently, I am not in a position to return a finding that the order granting bail is perverse.

Under such circumstances, I am not inclined to cancel the anticipatory bail granted to the opposite party vide order dated February 24, 2025.

The prayer of the petitioner stands rejected.
Accordingly, CRM (M) 47 of 2025 is dismissed.

Case Diary be returned.

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

(Md. Shabbar Rashidi, J.)