

04.09.2025

SL No.2

Ct. No.03

Sudipta

Allowed

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

CRM (A) 461 of 2025

In Re: An application for Anticipatory Bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Jaigaon Police Station Case No. 62 of 2025 dated 02.04.2025 under Sections 69 / 126 (2) / 115 (2) / 351 (2) / 3(5) of the BNS, 2023.

And

In Re : **Raju Miya @ Raju Islam**

.....Petitioner

For the Petitioner :

Mr. Avijit Ghosh

Ms. Sudipa Ghosh

.....Advocates

For the State :

Mr. Ujjwal Luksom

Ms. Namrata Das

.....Advocates

For the de facto complainant :

Mr. Arjun Chowdhury

Ms. Sunayana Parveen

.....Advocates

1. Present application has been filed for anticipatory bail.
2. Learned counsel for the petitioner submits that the petitioner and victim both are major. They were neighbour and admittedly developed relationship between them. Learned counsel further submits that

the complaint was made after around two months of the alleged incident.

3. Learned counsel for the State submits that in the statement under Section 164 of the Cr. P.C. the de facto complainant has made statement about forcefully rape.
4. Perusal of the FIR indicated that admittedly there was an affair between the petitioner and the victim. The complaint was made around two months after the incident.
5. Thus, taking into account the facts and circumstances, this Court considers that the petitioner is entitled to grant anticipatory bail.
6. Accordingly, the prayer for anticipatory bail is allowed.
7. In the event of arrest, the petitioner 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 Cr.P.C., 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further conditions that the petitioner shall not threaten or intimidate or tamper with the

witnesses and the petitioner shall join the investigation as and when directed by the Investigating Officer.

8. CRM (A) 461 of 2025 is disposed of.
9. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Dinesh Kumar Sharma, J.)