

19.11.2025
Item no.2
Court No.3
ss
(Rejected)

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (A) 468 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of BNSS, 2023 in connection with Jalpaiguri Women P.S. Case No.86 of 2025 dated 06.06.2025 under Section 4/12 of POCSO Act, 2012 read with Section 351(2) of BNS, 2023 corresponding to PTN No.97 of 2025 pending before the learned Additional Sessions Judge, Jalpaiguri.

In the matter of : Amiyo Basak @ Gadai
... Petitioner.

Mr. Jaydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
Mr. Shubham Kumar
Ms. Sayantani Das
...for the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld.APP
Mr. Sagnik Sankar Sikdar
.....for the State.

Ms. Esha Acharya
Mr. Sampad Das
... for the *de facto* complainant.

1. Learned Advocate for the petitioner submits that there is delay of one year four months in lodgement of FIR. The victim and the petitioner had previous love affairs. The petitioner has been falsely implicated in this case. He seeks for grant of anticipatory bail in favour of the petitioner.

2. Learned Advocate for the State, opposing such prayer, submits that the victim has categorically implicated this petitioner, which is supported by medical report. He seeks for dismissal of the application.
3. Learned Advocate for the *de facto* complainant submits that the victim and the petitioner are distant relatives and there is continuous threat perception upon the victim at the instance of the petitioner. She also seeks for dismissal of the application. She files a copy of the compliant dated 6th June, 2025 written to the Inspector-in-Charge, Women Police Station, Jalpaiguri, which is taken on record.
4. Perused the case diary and the materials on record.
5. The victim in her statement under Section 164 of the Cr.P.C. clearly implicates this petitioner of his involvement in the alleged offence. The victim has also stated before the attending doctor of such fact. Delay in lodgement of FIR in case of sexual offence may arise due to several reasons and that *per se* does not make the prosecution case suspicious. Considering the materials as above and the nature and gravity of the offence, I am not inclined to grant the prayer of the petitioner for anticipatory bail.
6. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.
7. The application being **CRM (A) 468 of 2025** stands dismissed.

(Bivas Pattanayak, J.)