

02.09.2025
Sl. no. 24
Ct. No. 03
KAUSHIK
ALLOWED

IN THE CIRCUIT BENCH CALCUTTA HIGH COURT
AT JALPAIGURI

C.R.M. (A) 639 OF 2025

In re : An application for anticipatory bail under Section 482 of the of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Phansidewa** Police Station Case No. **338** of **2025** dated **28.07.2025** under Sections 64/351(2) of BNS.

In the matter of : Md. Saddam.

... petitioners

Mr. Debasish Mukhopadhyay

Ms. Madhushree Dutta

.....for the Petitioners.

Mr. Kallol Acharjee,

Mr. Tapan Bhattacharjee

.....for the State.

Learned counsel for the petitioner submits that the victim and the petitioner are major and as per First Information Report (FIR) there was a love affair between them. It has also been submitted that both the petitioner and the victim are married and are neighbour.

Learned counsel for the State submits that though in the FIR the victim has stated about the love affair between her and the petitioner but no such thing was stated in the statement recorded under Section 161 Cr.P.C.

I have considered the submissions, perusal of the FIR indicates that the alleged specific incident of

rape had happened a month before the date of filing of the FIR. The FIR also indicates a love affair between them.

Taking into consideration of the facts and circumstances of this case petitioner is directed to join investigation as and when directed by the Investigating Officer (I.O.).

In the event, if Investigating Officer feels necessity of effecting the arrest of the petitioners, the petitioners be admitted to anticipatory bail by furnishing personal bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of like amount each, one of whom shall be local, to the satisfaction of the Investigating Officer and also subject to the conditions as laid down under Section 482(2) of the BNSS, 2023.

The application for anticipatory bail is thus allowed.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Dinesh Kumar Sharma, J.)