

10.09.2025

SL No.18

Ct. No.03

Sudipta

Allowed

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

CRM (A) 699 of 2025

In Re: An application for Anticipatory Bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Coochbehar Kotwali Women Police Station Case No.136 of 2025 dated 03.07.2025 under Sections 329(2) / 64(2)(m) / 306(2) / 351(2) of the BNS, 2023.

And

In Re : **Sabiul Islam**

.....Petitioner

For the Petitioner :

Mr. Arijit ghosh

Ms. Sudipa Ghosh

.....Advocates

For the State :

Mr. Tapan Bhattacharjee

Mr. Dhiman Sil

.....Advocates

1. Learned counsel for the petitioner submits that as per the contents of the FIR itself the petitioner and the victim were having physical relationship since 2004. Learned counsel submits that in fact the victim had taken a loan of Rs.1,75,000/- from the petitioner and has placed certain documents as collateral security. Learned counsel further submits in order to get rid of the loan, the present complaint has been initiated.

2. Learned counsel for the State submits that the victim is a widow and the mother of three children and, therefore, sexual assault cannot be ruled out.
3. Perusal of the FIR indicates that the victim herself stated that after death of her husband she was having physical relationship with the petitioner. Though the victim has stated that the petitioner forced himself upon her. The petitioner has also alleged that the accused snatched golden ornaments from her. However, no specific date and time is being given.
4. Thus, taking into account the facts and circumstances, this Court considers that the petitioner is entitled to anticipatory bail.
5. Accordingly, the prayer for anticipatory bail is allowed.
6. 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 evidences in any manner whatsoever and the

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

7. CRM (A) 699 of 2025 is disposed of.
8. 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.)