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2025
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Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

C.R.M.(A) 716 of 2025

In Re.: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with PTN Case No. 4120 of 2025 arising out of Phansidewa Police Station Case No. 363 of 2025 dated 09.08.2025, under Sections 126(2)/115(2)/64/62/351(2)/3(5) of BNSS, 2023.

Md. Khayrul Haque & Anr.
Vs.
The State of West Bengal & Anr.

Mr. Jaydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
Ms. Sayantani Das

...For the Petitioner

Mr. Niloy Chakraborty
Mr. Tapan Bhattacharjee
Mr. Dhiman Sil

...For the State

The prosecution case is that on 09.08.2025 around 18.00 hours, when the de facto complainant was moving towards her relatives' house at that time, the petitioner No. 2, Firoja Begam assaulted her and two months thereafter, said Firoja Begam brought the complainant to her home with ill-motive and her husband tried to commit rape upon her. It is further alleged that both of them threatened the complainant and her husband with dire consequence.

Mr. Jaydeep Kanta Bhowmik, learned Counsel appearing on behalf of the petitioners submits that the allegations leveled in the complaint is absolutely false and fabricated. It is not believable that a wife will instigate her husband to commit rape upon the alleged victim lady. He further submits that the other allegations leveled in the complaint may hardly constitute bailable offence and as such petitioners

may be released on anticipatory bail on any terms and conditions.

Mr. Tapan Bhattacharjee, learned Counsel appearing on behalf of the State submits that the investigation is still in progress. However, in his usual fairness he leaves the prayer for bail to the discretion of the Court.

Having heard learned Counsel appearing on behalf of the petitioners and the State and also in view of the materials available in the Case Diary and the alleged role attributed to the present petitioners, I do not think that custodial interrogation of the petitioners is required in this case and as such I am inclined to grant pre-arrest bail in favour of the petitioners.

Accordingly, I direct that in the event of arrest, the petitioners shall be enlarged on bail upon furnishing a bond of Rs. 5,000/- each , with two sureties of Rs. 2,500/- each, to the satisfaction of the learned ACJM, Siliguri and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and also on other conditionos as will be imposed by the Court below. The petitioners will report before the Investigating Officer once in a fortnight till the conclusion of the investigation and the petitioners shall appear on every date before the jurisdictional Court on and from the date fixed from appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the bail granted herein

without further reference to this Court.

The application for anticipatory bail is, thus, allowed.

C.R.M.(A) 716 of 2025 is disposed of.

(Dr. Ajoy Kumar Mukherjee, J.)