

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction

27.11.2025
Item No. 13 (DL)
Court No. 3
AN
(Allowed)

C.R.M. (A) 791 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Coochbehar Sadar Women Police Station Case No. 35 of 2025 dated 21.02.2025 under Sections 64(2)(m)/115(2) of the Bharatiya Nyaya Sanhita, 2023 corresponding to G.R. Case No. 382 of 2025.

In the matter of : **Kumar Sushovan Das @ Shiba Das**
@ Sushobhan Das

... Petitioner.

Mr. Hillol Saha Podder

...for the Petitioner.

Mr. Nilay Chakraborty, ld. APP
Mr. Bhaskar Das
Mr. Chattu Roy

...for the State.

1. Inadvertent typographical error has crept into the order dated 25th November, 2025 mentioning the Sections in the cause title as “64(2)(m)/115(2) of the BNS, 2023 read with Section 8/12 of the POCSO Act, 2012” in place and stead of “64(2)(m)/115(2) of the Bharatiya Nyaya Sanhita, 2023”. The Sections in the cause title in the aforesaid order be read as “64(2)(m)/115(2) of the Bharatiya Nyaya Sanhita, 2023” in place and stead of “64(2)(m)/115(2) of the BNS, 2023 read with Section 8/12 of the POCSO Act, 2012”.

2. The order dated 25th November, 2025 is modified to the above extent. Other portions of the said order shall remain unaltered.
3. Service report filed by the State is taken on record.
4. Learned advocate for the petitioner submits that the victim and the petitioner had previous love affairs and they have entered into physical relationship on consent. Both the petitioner and the victim are major. He seeks for grant of anticipatory bail application of the petitioner.
5. Opposing such prayer, learned advocate for the State submits that on the pretext of marriage the victim was ravished by the petitioner. He seeks for dismissal of the anticipatory bail application of the petitioner.
6. Despite service none appears on behalf of the *de facto* complainant.
7. Perused the case diary and the materials on record.
8. It is found from the statement of the victim that she had previous relationship with the petitioner and they entered into physical relationship. Subsequent thereto, the petitioner refused to marry. Both the parties are major. Considering the aforesaid, I am inclined to extend the benefit of anticipatory bail in favour of the petitioner.
9. Accordingly, in the event of arrest, the petitioner viz. **Kumar Sushovan Das @ Shiba Das @ Sushobhan Das** be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of like

amount each to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 482(2) of the BNSS and on further condition that the petitioner shall meet and report to the investigating officer/inspector-in-charge of the concerned Police Station once in a fortnight until further orders and shall appear before the jurisdictional court on each date fixed for appearance and hearing. The petitioner shall join the investigation and cooperate with the investigating officer.

10. In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code / Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, the jurisdictional court shall be at liberty to take appropriate steps to cancel the anticipatory bail without further reference to this Court.
11. Thus, the application for anticipatory bail is allowed.
12. **CRM(A) 791 of 2025** stands disposed of.
13. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of all requisite formalities.

(Bivas Pattanayak, J.)

