

24.02.2026
Sl. No.20
Ct. 28
NB

C.R.M (A) 326 of 2026

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Samsheganj PS Case No.1138/2025 dated 01.12.2025 under Section 69 of the BNS, 2023.

And

In the matter of: Immam Sk.@ Amam Sk.

... petitioner

Dr. Achin Jana,
Mr. Prosenjit Ghosh,
Ms. Chetna Rustagi,
Mr. Debojyoti Kumar.
...for the petitioner.

Mr. Saibal Bapuli Id.APP.,
Mr. Sachit Talukdar.
...for the State.

Report filed on behalf of the State is taken on record.

Despite service, no one appears on behalf of the de facto complainant.

Learned counsel appearing on behalf of the petitioner submits that there was a love affair between the two consenting adults. When the relationship turned sour, the FIR was lodged.

Learned Additional Public Prosecutor representing the State opposes the prayer for anticipatory bail. He relies on the statements of the victim recorded before the learned Magistrate and the other statements available in the case diary. However, he submits that the alleged victim has refused to undergo medico legal examination. Charge sheet has been submitted.

Considering the above and the other materials available in the case diary, the fact that there was a some kind of a relationship

between the two for a certain length of time, and the fact that the alleged victim has refused to undergo medico legal examination and the fact that charge sheet has already been submitted, I am inclined to grant anticipatory bail to the present petitioner.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date and shall attend the jurisdictional Court regularly.

The application for anticipatory bail is, thus, disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)