

02/04/2026
D/L - 25
Court No.28
S. Kundu
Rejected

C.R.M.(A) 480 of 2026

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Berhampur Women P.S case no. 108 of 2025 dated 26/08/2025 under sections 127(7)/351(2)/61(2)/70(1) of the BNS read with Sections 3/4/5/6/7 of the Immoral Traffic (Prevention) Act.

In the matter of: Julfikar Ahmed @ Zulfikar Ahmed

...Petitioner.

Mr. Sabir Ahmed
Mr. Shraman Sarkar
Mr. Quazi Ezaz Ahmed

...for the petitioner.

Mr. Golam Kasim Chowdhury
Md. Asfak Allam

...for the de-facto complainant.

Mr. Arindam Sen
Mr. Pratick Bose

...for the State.

1. Supplementary affidavit filed on behalf of the petitioner is taken on record.
2. Reports filed by the State are taken on record.
3. Learned counsel appearing on behalf of the petitioner submits as follows. The victim lady in this case has been set up by a politically influential person to falsely implicate the petitioner because there was an earlier litigation between the petitioner and the said influential person. The petitioner was not named in the FIR. As would be evident from a plain reading of the FIR, the alleged victim had earlier taken money for doing a work. She admittedly had a physical relationship at one place.

Thereafter, she claimed that she was taken to another place where the petitioner allegedly raped her. The only material available against the petitioner is that the petitioner is the owner of the house in question.

4. Learned counsel appearing for the de-facto complainant, upon instruction, submits that the petitioner was not present at the time of occurrence and that the de-facto complainant does not want to continue with the matter.
5. Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. He refers to the earlier statement of the victim where she clearly narrated the incidents that took place. She implicated the accused and gave out the gory details. In a subsequent statement made before the police, she identified one of the assailants as the present petitioner. After the victim was represented in Court by her counsel in this matter, another opportunity was given to the victim to make a statement before the learned Magistrate. Even in that statement she only stated that she had narrated all the facts earlier, therefore, effectively standing by her earlier statements. But, now she wanted to settle the matter. She did not want to proceed with the matter anymore and she did not like the fact that she had to face the alleged accused who stayed in the same locality.
6. Even the subsequent statement of the victim does not support her present claim made through a lawyer that

the petitioner was not present at the place of occurrence at the relevant time. This statement does not even deny her earlier allegations.

7. The question of false implication is, at least, *prima facie* not made out because the victim did not even name the petitioner in the FIR.
8. These kind of serious offences are crimes against the State and are not offences of private nature, which can be settled and compromised. If such practice is encouraged, it would give a free run to attempts to win over witnesses by whatever means or indulging in abominable practices like payment of blood money.
9. Considering the above and the other incriminating materials available in the case diary, I do not consider this to be a fit case to grant anticipatory bail to the petitioner.
10. Accordingly, the application for anticipatory bail is rejected.

(Jay Sengupta, J.)