

21/04/2026
D/L - 51
Court No.28
S. Kundu
Rejected

C.R.M.(A) 710 of 2026

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Goalpokher P.S case no. 496 of 2025 dated 23/08/2025 under sections 329(4)/137(2)/70(2)/351(2) of the BNS and Sections 6/17 of the POCSO Act.

In the matter of: Rakib Alam @ Rakbul

...Petitioner.

Mr. Rishav Singh
Mr. Soumalya Dutta

...for the petitioner.

Mr. Ranabir Roy Chowdhury
Ms. Sayanti Santra

...for the State.

1. Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is not the principal accused. He has been falsely implicated in this case. The principal accused in this case was granted anticipatory bail by the learned Sessions Court.
2. Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. He submits that steps are being taken to challenge the order of the learned Sessions Judge granting anticipatory bail to the principal accused. The anticipatory bail was allowed to the principal accused on two scores. The first was that the place of occurrence was shifted from a bamboo grove to a drain in front of the house. Such questions of shifting of place of occurrence can be best taken up during the trial. Secondly, the informant was not an eye-

witness to the incident. Therefore, the version of the victim given before the learned Magistrate cannot be contradicted with that of the informant. The second reason for grant of anticipatory bail was that phone calls were made between the present petitioner and the father of the victim at the same night. It appears that phone calls were made after the alleged incident. It was alleged specifically by the de-facto complainant that these were threat calls given by the petitioner immediately after the incident. The State relies on the statement of the victim recorded before the learned Magistrate, the medical examination report and the statements of other witnesses, which explicitly point towards the commission of such offence.

3. The prosecution case is that the principal accused and three others forcibly kidnapped the minor victim girl and committed gang rape. The principal accused sexually assaulted the alleged victim and thereafter, the other accused attempted such offence. The victim girl somehow extricated herself from their clutches and fled.
4. It appears that the learned Sessions Judge practically conducted a mini trial while granting anticipatory bail to the principal accused. The version of the alleged victim should have been given precedence for now and, at least at this stage of investigation, could not have been

contradicted by a version given by the de-facto complainant who was not an eye-witness.

5. Moreover, the call records show that the calls were made by the petitioner to the father of the victim from ten minutes past 12 o'clock at night onwards. The alleged incident happened at about 11.00/11.30 p.m. Therefore, the calls might have fairly been threat calls, as claimed by the de-facto complainant in the FIR.
6. 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.
7. Accordingly, the application for anticipatory bail is rejected.
8. The personal appearance of the Investigating Officer is noted and is dispensed with.

(Jay Sengupta, J.)