

AD 31  
June 10, 2026  
Ct. 28  
SG

Reject

CRM(A) 1111 of 2026

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bally P.S. Case No.164 of 2025 dated 23.11.2025 under Sections 126(2)/115(2)/117(2)/69/316(2)/351(3)/3(5) of the BNS, 2023.

And

In the matter of: Avijit Jha

*... petitioner*

Mr. Soumyadeep Das  
Mr. Vishal Kumar Shaw  
Mr. Sourendra Nath Banerjee  
Mr. Ketan Makharia  
Mr. Swarnil Mukherjee

*... for the petitioner*

Mr. Krishendu Bhattacharya, ld. APP  
Mr. Saswata Chatterjee

*... for the State*

Mr. Avik Ghatak  
Mr. Sagnik Mukherjee  
Mr. Fahad Imam

*... for the de facto complainant*

Learned counsel for the petitioner submits that there was a romantic relationship between the petitioner and the de facto complainant. Admittedly, the petitioner entered into such relationship by impressing upon the de facto complainant that the caste of the de facto complainant would not come in the way of such relationship. However, after the relationship turned sour, an FIR was registered. It is clear from the FIR that there is no allegation that any caste based slur was made by any of the accused in public view or in front of a third party. Had the issue of caste been there, the petitioner would not have entered into such relationship in

the first place. It is also admitted that initially even the family members had accepted the alleged victim. The petitioner is ready to return the gift items, if any, that allegedly remained with the petitioner.

Learned counsel for the de facto complainant strongly opposes the prayer for anticipatory bail and submits that a prima facie case is made out under Section 3(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and as such, an application for anticipatory bail is barred. The caste based abuse was made by the accused in front of a number of guests during the failed ceremony. There are subsequent statements made by the victim which would show that the caste based slurs were hurled in public view. After the relationship commenced, the alleged victim became pregnant once. Due to pressure from the petitioner and other in-laws, the foetus had to be terminated. The petitioner did not have any intention to marry her, as would be evident from his subsequent conduct. The petitioner had taken Rs.3 lakhs through online mode and Rs.1 lakh in cash as dowry, along with gold, articles and electronic items. None of these have been returned in spite of the fact that the petitioner refused to marry the alleged victim.

Learned Additional Public Prosecutor representing the State relies on the case diary and opposes the prayer for anticipatory bail. He also relies on the statement of the alleged victim recorded before the learned Magistrate, the

statements of witnesses, the medico legal examination report, the FIR and the subsequent statement of a witness, Manoj, recorded before the learned Magistrate. He submits that Manoj is a distant relative of the alleged victim. As per his statement, the petitioner and his family members refused to have the marriage solemnized because according to them, they belonged to an upper caste while the bride belonged to a lower caste.

It appears from the materials on record that caste based slurs were made in public view. Therefore, an application for anticipatory bail would be barred. Moreover, there are incriminating materials available in the case diary against the present petitioner.

Considering the above and the other incriminating materials available in the case diary, I do not consider this to be a fit case for granting anticipatory bail.

The application for anticipatory bail is, thus, rejected.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

**(Jay Sengupta, J.)**