

17.06.2026
Court No.28
Item No.7
tbsr
Allowed

CRM (A) 1227 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Belda** P.S. Case No.**74 of 2026** dated **21.02.2026** under Sections **126(2)/75/76/77/351(2)(3)** of the BNS, 2023.

And

In the matter of: Mokaram Hossain

....Petitioner.

Mr. Sabir Ahmed
Mr. Firdous Samim
Ms. Gopa Biswas
Mr. Ayush Majumder
Mr. Rajosik Dutta
Ms. Ankita Ghosh

...for the petitioner.

Mr. Krishnendu Bhattacharya, Id. APP
Mr. Pritam Roy

....for the State.

Copy of the notice 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 as follows. The petitioner has been falsely implicated in this case. Whatever relation the petitioner had with the de facto complainant was purely consensual and between two adults. Incidentally, while the present FIR was lodged in February, 2026, the petitioner's wife had earlier filed a civil suit on 29.10.2025 against the present de facto complainant for recovery of money.

Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for anticipatory bail. He refers to

the statement of the victim recorded before the learned Magistrate and the statements of other witnesses. He submits that the alleged victim refused to undergo medical examination. It appears from the statement of the victim that, on the pretext of exposing her husband's illicit relationship with another woman, the petitioner took her to a hotel and forcibly took advantage of her. Thereafter, the petitioner allegedly took her to different hotels on several occasions.

Considering the above, the other materials available in the case diary, the existence of a prior civil dispute between the parties and the fact that even according to the alleged victim, she went to some places with the present petitioner, although I am inclined to grant anticipatory bail to the petitioner, his movement shall remain restricted for a limited period.

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 the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioner shall cooperate with investigation, shall not threaten or intimidate witnesses and shall meet the I.O. once a week till submission of report in final form and shall stay outside the jurisdiction of Belda P.S. for a period of three months except for meeting the Investigating Officer or attending the jurisdictional Court.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)