07.10.2026
Serial no. *11*
(Anticipatory bail)
(Allowed)
(Dd)

In the High Court at Calcutta
Criminal Miscellaneous Jurisdictional
Appellate Side

CRM (A)/3201/2026

In re : An Application for ***Anticipatory Bail*** *under Section* ***438*** *of the Code of Criminal Procedure* corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 *in connection with* ***Harishchandrapur*** *Police Station Case No.* ***1018*** *of* ***2026*** *dated* ***27.07.2026*** *under Sections* ***351(3)/49 and 64*** *of* Bharatiya Nyaya Sanhita, 2023 *(GR Case No. 2567/2026)* pending before ld. ACJM, Chanchal, Malda.

-And-

In the matter of : ***MOSIUR RAHAMAN***

… **…** Petitioner

Mr. Soupal Chatterjee,
Mr. Anupam Das,
Mr. M. Chatterjee, Advocates
… … For the Petitioner

Mr. Goutam Dey,
Ms. Nabanita Chatterjee , Advocates
… …For the State

1. Petitioner prays for anticipatory bail.
2. Learned advocate appearing for the petitioner submits that the relationship between the petitioner and the de facto complainant was consentual and they are adults.
3. Petitioner stands accused of rape.
4. Victim recorded a statement under Section 183 of BNSS, 2023 where she states that she is a widow. She entered into a consentual relationship with the petitioner. However, subsequently, she discovered the ill intention of the petitioner.
5. Case diary demonstrates that initially the victim refused medical examination although, she was examined subsequently.

6. Statements made by the victim under Section 183 of BNSS, 2023 states that the relationship was initially consentual. Whether the petitioner is guilty of the allegations levelled against him may be decided at the trial.
7. In such circumstances, I am inclined to grant anticipatory bail to the petitioner.
8. Accordingly, I direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, 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 Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioner shall report before the Investigating Officer once in a month till the conclusion of the investigation and on further condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.
9. Prayer for anticipatory bail of the petitioner is **allowed**.
10. **CRM (A)/3201/2026** is **disposed of**.

(Debangsu Basak, J.)

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