

08.01.2026
Court No.28
Item No.11 & 12
tbsr
Allowed

CRM (A) 4036 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Palashipara** P.S. Case No.**476 of 2025** dated **23.09.2025** under Sections **64(2)(m)/115(2)/109/303(2)/351(2)/352/3(5)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: **Abdul Rafik Sk. @ Abdul Rafi Sk.**

....Petitioner.

With

CRM (A) 4037 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Palashipara** P.S. Case No.**476 of 2025** dated **23.09.2025** under Sections **64(2)(m)/115(2)/109/303(2)/351(2)/352/3(5)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: **Amar Ali Sk. @ Umar Ali Sk.**

....Petitioner.

Mr. Amanul Islam
Mr. Sourav Mukherjee
Mr. Gourav Roy
Mr. Raja Das

....for the petitioner.

Ms. Shaila Afrin
Mr. Tirupati Mukherjee

....for the State in CRM (A) 4036 of 2025.

Mr. Debabrata Chatterjee
Mr. Subhasish Datta

....for the State in CRM(A) 4037 of 2025.

As the two matters pertain to the same police case, both the matters are taken up for hearing together.

Report filed on behalf of the State is taken on record.

Despite service, no one appears on behalf of the alleged survivor.

Learned counsel appearing on behalf of the petitioner in CRM(A)

4036 of 2025 submits that after divorce of the alleged survivor, a relationship developed between the present petitioner and the said survivor. As it did not finally work out, the false FIR was registered after delay of about one month. The petitioner in CRM (A) 4037 of 2025 is the uncle of the principal accused. The allegation against him is that he had assaulted the alleged survivor after she came to them to complain about the principal accused.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail in both the cases. The delay in filing the FIR is only of four days. In CRM (A) 4036 of 2025, it appears from the statements of the victim that in August, 2025 after the petitioner allegedly forced himself upon her, he made a promise to marry her and she agreed to the same. It is further alleged that thereafter, on the pretext of offering a job her as a receptionist in a hotel, she was once again sexually assaulted. However, there are no independent witnesses whose statements support these allegations in the case diary.

It is indeed very surprising that even after the first unpleasant encounter with the petitioner, the victim decided to go with him to the hotel in question.

Considering the above, the other materials available in the case diary and the fact that charge sheet has been filed, I am inclined to grant anticipatory bail to the petitioner in both the cases.

In the event of arrest, the petitioner in both the cases shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 they shall not threaten or intimidate witnesses, shall surrender before the learned jurisdictional Court within four weeks from this date and pray for bail and shall regularly attend 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.)