

**HIGH COURT AT CALCUTTA**  
**CRIMINAL REVISIONAL JURISDICTION**

**Present:**

**THE HON'BLE JUSTICE JAY SENGUPTA**

**CRM(DB) 3864 of 2024**

**XXX**

**versus**

**The State of West Bengal and another**

**For the Petitioner**

Mr. Aniket Mitra

**For the State**

Mr. Imran Ali

Mr. Soumya Basu Roychowdhury

**Last heard on**

16.04.2026

**Judgment on**

16.04.2026

**JAY SENGUPTA, J:**

This is an application praying for cancellation of bail granted by the learned Sessions Judge, Malda in GR Case No.5125 of 2024 arising out of English Bazar Police Station Case No.992/2024 dated 21.07.2024 under Sections 329(3)/318(2)/64(1) of the BNS, 2023.

It appears from the affidavit of service filed earlier that service of notice was duly effected on the accused.

Despite service, no one appears on behalf of the accused.

Learned counsel for the petitioner submits that the statement of the victim recorded before the learned Magistrate and her medical report have not been properly taken into consideration while deciding the question of anticipatory bail. The learned Sessions Judge erred in appreciating the facts as well as the questions of law.

Learned counsel for the State submits that the victim had undergone a medico-legal examination and had also alleged in her statement made before the learned Magistrate that one occasion when the victim had gone to a pond, the alleged accused caught her and forcibly committed rape. However, in the FIR, the prime allegation of the victim was that the petitioner was a widow and for the last two or three years the accused was residing near her parental home; for about a year on a promise to marry her, the accused was having physical relationship with the alleged victim. Thereafter, she went on to mention about an incident of sexual assault that happened purportedly on 16.07.2024.

It appears that in the FIR, both at the beginning as well as at the end, the petitioner has stated about her grievance that despite giving a promise to marry, the

accused did not fulfil the same. In the middle, she referred to the alleged instance of sexual assault.

It also appears from the order passed by the learned Sessions Judge that the learned counsels for the accused and the State were heard and the case diary was perused.

This Court finds that the order passed by the learned Sessions Judge is quite a reasoned one.

Considering the above, the materials available in the case diary and the emphasis of the petitioner on the alleged entering into physical relationship on promise to marry as contained in the FIR and its complete absence in the statement made before the learned Magistrate, I do not find any infirmity in the order passed by the learned Sessions Judge granting anticipatory bail.

Accordingly, the application for cancellation of bail is dismissed, however, without any order as to costs.

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

**( Jay Sengupta, J. )**

