**12.11.2026**
Item No.39
Ct.No.35
dc.
**Allowed**

# IN THE HIGH COURT AT CALCUTTA
**CRIMINAL MISCELLANEOUS JURISDICTION**

**C.R.M. (A) 3865 of 2026**

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Uluberia Police Station Case No. 641 of 2026 dated 19.08.2026 under Sections 69/318(4)/351(3) of the Bharatiya Nyaya Sanhita, 2023 (G.R. Case No. 2843/2026).

And

In Re : **Md. Gulfam Hussain**

... Petitioner.

Mr. Palash Mukherjee,
Ms. Sucheta Mitra

... For the Petitioner.

Mr. Arindam Dey,
Ms. Priyanka Bhattacharya

... For the State.

Mr. Shraman Sarkar,
Md. Tehasin Reja

... For the *de facto* complainant.

Learned advocate appearing for the petitioner submits that FIR itself would reflect that previous relationship existed since 2018. There are accusations of sexual assault. There are other accusations also. However, the petitioner is a member of paramilitary force and is not available regularly.

Learned advocate appearing for the *de facto* complainant opposes the prayer for anticipatory bail and submits that petitioner deceived the *de facto* complainant/informant and had physical relations.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and draws the attention of the

Court to the statement of the victim under Section 183 of the BNSS.

I have taken into account the overall materials of the case and the fact that investigation of the case is in progress. Having considered the same, I am of the opinion that custodial detention of the present petitioner in connection with the instant case is unwarranted. As such, the prayer for anticipatory bail of the petitioner is **allowed**.

Accordingly, in the event of arrest, the petitioner viz., **Md. Gulfam Hussain** shall be released on bail to the satisfaction of the Arresting Officer on such terms and conditions as he deems fit and proper 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.

The petitioner shall meet with the Investigating Officer of the case once in a week; in the alternative, the Investigating Officer would pray for harsher process of law from the learned jurisdictional Magistrate for compelling the petitioner to appear in course of investigation and comply with the conditions.

Additionally, this order of anticipatory bail will remain in force for a period of six weeks from date.

Memo of Evidence submitted by the learned advocate appearing for the State be kept with the record.

The application for anticipatory bail, being CRM (A) 3865 of 2026, is, thus, disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

**(Tirthankar Ghosh, J.)**