25.11.2026
Item No.123
Ct.No.35
dc.
Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (A) 4061 of 2026

In Re : An Application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Raiganj Police Station Case No. 583 of 2026 dated 09.06.2026 under Sections 126(2)/115(2)/117(2)/ 109(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023 and adding Section 249 of the Bharatiya Nyaya Sanhita, 2023 read with Section 75 of the Juvenile Justice Act, 2015 and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : **Ajimul Rahaman**

... Petitioner.

Mr. Soumyajit Das Mahapatra,
Mr. Kunal Ganguly

... For the Petitioner.

Mr. Soumak Bera,
Mr. Soumalya Dutta

... For the State.

Mr. Rajarshi Chatterjee,
Ms. Susmita Mukherjee

... For the *de facto* complainant.

Learned advocate appearing for the petitioner submits that there are case and counter-case between the family of the accused/petitioner and that of the informant and attempts have been made to foist the present petitioner and his family members along with the offence.

Learned advocate appearing for the *de facto* complainant/opposite party no.2 opposes the prayer for anticipatory bail and submits that letter of complaint addressed to the Officer-in-Charge itself reflects that there are accusations under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. As such, learned advocate submits that under Section 18A of the said Act,

application for anticipatory bail is barred and the same is not maintainable.

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 as well as the medico-legal examination report.

I have taken into account both the features as well as the objection raised on behalf of the private opposite party. On an assessment of the overall circumstances of the case, I find that the victim was the sole eyewitness and did not raise any issue relating to aspersion of caste, although there were contentions relating to conversion of religion. The medical reports are there, but having considered the overall materials in the instant case, I am of the opinion that there are materials wanting for incorporation of the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Having considered the statement of the witnesses and the medico-legal examination report as also the fact that there are case and counter-case *inter se* the parties, 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., **Ajimul Rahaman** 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.

As the charge-sheet has already been submitted before the jurisdictional court, 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) 4061 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.)