

02.02.2026
Sl. No.349
NB

CRM (M) 2811 of 2025

In Re:- An application for cancellation of bail under Section 439(2) of the Criminal Procedure Code corresponding to Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023..

And

In the matter of: XXX

... petitioner

Mr. Arnab Chatterjee,
Mr. Abhinava Mukherjee,
Ms. Debolina Roy.
...for the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the order granting anticipatory bail was not adequately reasoned. The accused should not have been granted anticipatory bail over such allegations.

The relevant portion of the impugned order passed by the learned Sessions Judge, Purba Medinipur dated 25.11.2025 is quoted as under:-

"It appears that during investigation, register of Hotel Debloke had been seized to establish that the accused/petitioner and the victim lady stayed in the said hotel room together on several dates but from page no.19 of CD, it appears that the victim lady refused her medico legal examination, which is also required to determine prima facie whether she was sexually assaulted by the accused or not. It also appears from the statement of the victim lady recorded under Section 180 of BNSS (at page no.12 of CD) as well as under Section 183 of BNSS (at page no.34 of CD) that the allegation against this accused/petitioner primarily is he developed physical

relationship with the victim lady on false promise of marriage. Considering the nature of allegation and the materials in CD against this accused/petitioner, I am inclined to allow his prayer for anticipatory bail.”

Therefore, the order appears to be quite a reasoned one. The Court heard the learned counsels for the parties including the de facto complainant. It considered the hotel register, which showed that the alleged victim lady stayed with the petitioner in a particular room. It also took into account the fact that the alleged survivor refused to undergo medical examination.

After considering all the relevant documents available in the case diary and hearing the parties, the learned Sessions Court passed a reasoned order.

Therefore, I do not find any reason to interfere with the same.

Accordingly, the application for cancellation of anticipatory bail is dismissed.

Urgent Photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)