

18.06.2026
Court No.4
Item No.2.
ASR

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM (M) 149 of 2026

In Re: - An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with Criminal
Misc Case No. 55 of 2026 arising out of Sitalkuchi P.S. Case No.
103 of 2026 dated 4.03.2026 under Sections
3(5)/329(4)/351(3)/64.

And

In the matter of: **Liton Roy**

....Petitioner.

Mr. Satarudriya Mukherjee

Mr. Ankur Barman

Mr. Tanu Barman

Ms. Ankita Barman

...For the Petitioner.

Mr. Sandip Guha Roy

...For the De facto complainant

Mr. Avrojyoti Das, APP

Mr. Raj Kumar Mitra

.....For the State

1. In the order dated 17.06.2026 the name of Mr. Sandip Guha Roy has been mentioned as to have appeared on behalf of the State. It is a typographical error instead it should be that Mr. Sandip Guha Roy had appeared on behalf of the de facto complainant and Mr. Avrojyoti Das, learned APP had appeared on behalf of the State. The earlier order dated 17.06.2026 is modified to that extent and this be a part of the order dated 17.06.2026.

2. Today the Learned counsel representing the petitioner submits that no force or compulsion was imposed upon the victim girl on the contrary the victim girl had physically relationship with the accused/petitioner out of her own free will.

3. He further submits that charge-sheet has already been filed and there is nothing for further investigation remaining.

4. The learned counsel prays for granting bail to the petitioner on any stringent ground.

5. Learned counsel representing the de facto complainant opposes the prayer for bail and submits that on the ground of promise to marry the accused/petitioner has committed the offence. He further submits that she had been impregnated earlier by the accused/petitioner and was compelled to abort.

6. He further submits that on the pretext of marrying her physical relationship took place and now the accused/petitioner is denying to marry.

7. He further submits that the FIR was lodged on 4th March, 2026 and medical examination of the victim girl took place on 4th March, 2026 while the incident took place during the fag end of February i.e. on 25th February, 2026.

8. The learned APP brings to the notice of this court the statement under Section 161 Cr.P.C. corresponding to Section 180 of the **Bharatiya Nagarik Suraksha Sanhita, 2023** (BNSS) of the witnesses and the submission of the victim girl recorded under

Section 164 of the Criminal Procedure Code corresponding to Section 183 of BNSS, 2023 and also places the medical report.

9. The statement of the victim girl recorded under Section 183 of the BNSS, 2023 and statement of the witnesses recorded under Section 180 of the BNSS, 2023 corroborate the fact laid down in the F.I.R.

10. From the submission of the learned counsel and the documents including the case diary it transpires that the offence took place on the pretext of promise to marry.

11. Considering the aforesaid facts and circumstances, this Court is not inclined to grant bail to the petitioner.

12. The application for bail is thus rejected.

13. The case diary is returned to the learned Additional Public Prosecutor in Court today.

(Supratim Bhattacharya, J.)