

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction

02.07.2026
Item No. 03
Ct. No. 5
AN
(ALLOWED)

C.R.M. (A) 348 of 2026

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Coochbehar Sadar Women Police Station Case No. 09 of 2026 dated 19.01.2026 under Sections 127(3) / 69 / 79 / 115(2) / 49 of the Bharatiya Nyaya Sanhita, 2023 corresponding to G.R. Case No. 79 of 2026 pending before the learned Sessions Judge, Coochbehar.

In the matter of : **Omar Faruque**

... Petitioner.

Mr. Deborshi Dhar
Ms. Taniya Bhowmik

...for the Petitioner.

Mr. Avrojoyti Das, ld. APP
Mr. Atul Dong

...for the State.

Mr. Rounak Ghosh

...for de facto complainant

- 1.** The petitioner is the accused person in connection with Coochbehar Sadar Women Police Station Case No. 09 of 2026 dated 19.01.2026 under Sections 127(3) / 69 / 79 / 115(2) / 49 of the Bharatiya Nyaya Sanhita, 2023 corresponding to G.R. Case No. 79 of 2026 pending before the learned Sessions Judge, Coochbehar.
- 2.** According to the petitioner, there was consensus relationship between two adult persons who sufficiently understood the consequences of their intimacy.
- 3.** In such circumstances, the present complaint arose only when the relationship deteriorated which is also very natural in accordance with the petitioner.

4. Mr. Debtorshi Dhar, learned advocate representing the petitioner has submitted that this is not a case of false promise to marry and physical relationship on that pretext, but may at best be for breach of promise between two adults. According to him, in such circumstances, the petitioner's detention may not be necessary.
5. Mr. Rounak Ghosh, learned advocate for the de facto complainant raises strong objection insofar as that the petitioner has established physical relationship with the de facto complainant on the pretext to marry her in future, otherwise, the relationship would not have matured.
6. Materials in C.D. have been produced. The de facto complainant has recorded her statement before the Magistrate where she has stated that, she has been unlawfully detained by the petitioner in his house for three days and only was recovered therefrom with the help of police. Even assuming the submissions made on behalf of the petitioner to be true as regards the consensual intimate relationship of the parties, the act so alleged against the petitioner amounts to be serious in nature.
7. After considering the entire gamut of the case and weighing the mutual hardship of the parties in the event of rejection of bail order, I am inclined to grant anticipatory bail in favour of the petitioner with some stringent conditions.
8. Thus, the prayer of the petitioner for anticipatory bail is allowed.

- 9.** It is directed that in the event of arrest of the petitioner, the petitioner shall be granted bail upon furnishing a bond of Rs. 10,000/- with two registered sureties of like amount each, to the satisfaction of the learned Sessions Judge, Coochbehar. The petitioner shall comply with the conditions under Section 482(2) of the BNSS, 2023 and shall cooperate with the investigation in all possible way. He shall not intimidate witnesses in any manner and shall not tamper with the evidence of the case in any manner whatsoever.
- 10.** The petitioner shall not enter the jurisdiction of the Police Station where the de facto complainant permanently resides, till the time the evidence of the de facto complainant is taken and she is discharged by the learned trial court.
- 11.** C.R.M. (A) 348 of 2026 stands **disposed of**.

(Rai Chattopadhyay, J.)