08.10.2026
Sl. No.20
Mithun
Ct no. 5
(Rejected)

Calcutta High Court
In the Circuit Bench at Jalpaiguri

C.R.M. (M) 285 of 2026

In Re:- An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with G.R. No.640 of 2026 corresponding to PTN No.WBJP02P001096 of 2026 arising out of Rajganj Police Station Case No.57 of 2026 dated 17.02.2026 under Sections 351(3)/69/77 of the BNS pending before learned Chief Judicial Magistrate, Jalpaigiru.

And

In the matter of : **Noor Islam @ Nur Md @ Saltu**

.... Petitioner

Mr. Nilay Chakrabarty,
Ms. Avisikta Das,
Ms. Angana Rakshit

...for the Petitioner

Ms. Panchali Deb Sikder (Nag),
Mr. Raj Kumar Mitra,
Mr. Mayank Bhandari

...for the State

In this application, the petitioner has prayed for bail contending that he is in custody for about 111 days. The victim was previously married to one Jahidul Md, but matrimonial disputes cropped up between them and thereafter the *de facto* complainant maintained relationship with the present petitioner. On 17.12.2026, the *de facto* complainant had left her matrimonial home out of her own volition and had taken place at the house of the present petitioner. Petitioner out of his feeling and love towards the *de facto* complainant has also contacted a marriage and thereby they had signed an agreement of marriage on

18.12.2025 and started residing as husband and wife. However, after sometime the *de facto* complainant had started causing disputes out of trivial issues and thereafter she left the house of the petitioner. Therefore, the essential ingredients to constitute offence under Section 69, 77 or 351(3) of the BNS are conspicuously absent in the present case. The investigation has already been culminated into a charge sheet and therefore the petitioner may be enlarged on bail on any terms and conditions.

Learned Counsel appearing on behalf of the State vehemently opposed the bail prayer contending that this is a case where all the sections mentioned in the charge-sheet clearly attract in respect of the present petitioner. She further submits that in the name of Nikanama, an agreement was executed before Notary Public and thereby making false promise of marriage, the petitioner has committed rape upon the victim taking advantage of her helplessness. She further submits that the materials collected during investigation also discloses specific offence against the petitioner.

Having heard learned Counsel for the petitioner and the State and also having gone through the materials placed before me the prayer for bail made by the petitioner is **rejected**.

However, the Trial Court is directed to expedite the trial of the proceeding.

Accordingly, CRM (M) 285 of 2026 is **disposed of.**

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

(Dr. Ajoy Kumar Mukherjee, J.)