JPD 14.
November 25, 2026.
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRM (A) 796 of 2026

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Mathabhanga Police Station Case No. 445 of 2026 dated 24.06.2026 under Sections 64, 351(2) and 49 of the Bharatiya Nyaya Sanhita corresponding to G.R. Case No. 928 of 2026.

And

In the matter of: Amal Barman

…. petitioner

Ms. Suman Sehanabis,
Ms. Anwesha Chakraborty, Advs.

… for the petitioner

Mr. Janardan Periwal, Jr.PP.,
Mr. Gobinda Ghosh,
Mr. Roumyadip Saha, Advs.

… for the State

1. The receipt of the notice served on the victim, filed today, be kept on record.

2. Learned counsel for the petitioner contends that the petitioner was implicated for alleged rape of a married lady on the premise that the petitioner abducted her and committed the offence. It is submitted that the abduction on a bicycle without any resistance is not credible.

3. Secondly, it is submitted that the complaint was lodged after about one month from the offence.

4. It is further submitted that when found in a compromising position with the petitioner, the victim tried to cover up her consensual act by alleging the perpetration of offence against the petitioner.

5. Learned counsel for the State opposes the prayer for anticipatory bail and places reliance on the statement made under Section 180 of the BNSS as well as the statement made by the victim under Section 183 of the BNSS, both corroborating the complaint.

6. Learned counsel further submits that sufficient explanation for the delay in lodging the complaint has been given on the complaint itself.

7. On a perusal of the statements made under Sections 180 and 183 of the BNSS, it transpires that the concerned witnesses have merely stated that the petitioner and the victim were found in a compromising position.

8. However, there is no specific allegation that the petitioner was actually and forcibly committing the offence at the relevant juncture. Moreover, the possibility of the complaint being lodged after one month due to the consensuality of the relation cannot be altogether ruled out at this premature stage. It is further strengthened by the fact that, even as per the complaint, it was delayed due to an attempted conciliation between the parties.

9. Although an allegation has been levelled in the complaint to the effect that the petitioner is issuing threats to the victim and her family, there is no corroborating material found from the case diary to that effect.

10. Thus, the court is of the opinion that the petitioner is entitled to anticipatory bail.

11. Accordingly, CRM(A) 796 of 2026 is allowed, thereby granting anticipatory bail to the petitioner.

12. In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mathabhanga.

13. Moreover, the petitioner shall not leave the territorial jurisdiction of his residential police station during trial and shall not in any manner try to attempt to contact the victim and the family of the victim and/or prospective witnesses and/or tamper with the evidence in any manner whatsoever.

14. The petitioner shall also attend each and every date of trial.

(Sabyasachi Bhattacharyya, J.)