JPD-04
Ct No.07
26.11.2026
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRM (A) 945 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bhaktinagar Police Station Case No. 847 of 2026 dated 18.09.2026 under Sections 69/303(2)/117(2)/77/78/351(2)(3) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Kumar Chandan

.... petitioner

Mr. Prajnadeepta Roy,
Mr. Jaimallya Bhattacharya

....for the petitioner

Name not supplied

....for the *de facto* complainant

Mr. Avrojyoti Das, Ld. APP,
Ms. Ruchika Agarwala,
Mr. Atul Dong

....for the State

1. Learned counsel appearing for the petitioner argues that the premise of the allegation against the petitioner is offence under Section 69 of the Bharatiya Nyaya Sanhita, 2023 and other allied Sections.

2. It is submitted that even as per the complainant's version, the complainant and her family went on trips with the petitioner several times. It is submitted that the complainant was well aware of the marital status of the petitioner with his wife and, as such, the ingredients of Section 69 are not met. It is further

contended that the complaint is the outcome of an extortion racket being run by the complainant, which can be substantiated, according to the petitioner, by the transactions showing huge online payments made by the petitioner to the bank account of the complainant.

3. Thus, it is submitted that the petitioner ought to be granted anticipatory bail.

4. Learned counsel for the *de facto* complainant/victim vociferously controverts the contentions of the petitioner and seeks to rely on several documents indicating that the petitioner, for oblique purposes, used to park his money in the bank account of the complainant, which amounts were then routed to other persons. In fact, it is contended that the complainant has also lodged other complaints in that regard, *inter alia* with the Income Tax authorities.

5. It is submitted that the allegation of extortion is baseless, since the complainant is equipped with documents to show that all the payments made to the complainant were routed to third parties immediately thereafter.

6. Learned counsel submits that the fact that the complainant and her family went on trips with the petitioner itself is an indicator that the complainant and her family were not aware of the marital status of the petitioner. Thus, it is argued that the deceitful means adopted by the petitioner from the inception of

the relationship between the complainant and the petitioner is evident from the facts of the case.

7. Learned counsel appearing for the State opposes the prayer for anticipatory bail and argues that the statement under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 issued by the complainant corroborates her allegations against the petitioner. Furthermore, there are ingredients of theft and since the stolen articles have not yet been recovered, the petitioner ought not to be granted anticipatory bail at this juncture. It is further submitted that the investigation is still ongoing.

8. Upon a perusal of the statement made by the complainant under Section 183 of the BNSS, however, it transpires that she met the petitioner in the month of March, 2024, when the petitioner gave out to her that the petitioner was going to have a separation with his wife and that he had no contact with his wife. Thus, from the said statement itself, it is evident that the petitioner did not suppress his marital status at the relevant juncture, thus *prima facie* obviating the applicability of Section 69 of the Bharatiya Nyaya Sanhita, 2023.

9. The premise of the relationship developed between the petitioner and the complainant, even as per the said statement, was the anticipation on the part of the complainant that the petitioner's strained relationship with his wife would terminate one day and thereafter the complainant and the petitioner would get married. Thus, it is clear that the complainant was well aware that the

petitioner was married from the inception. The necessary ingredient of Section 69 is that the offender, by deceitful means or by making promise to marry to a woman without any intention of fulfilling the same, has to have sexual intercourse with her.

10. However, in view of the petitioner having disclosed his marital status from the very inception of his relationship with the complainant, the question of adopting deceitful means pertaining to his marital status and/or making promise to marry would only be a wishful thinking of the complainant.

11. That apart, the veracity of the allegations and counter allegations on the financial front between the petitioner and the complainant can only be thrashed out on evidence in trial, if the same is commenced after filing of the charge sheet. It would be premature at this stage to deny the personal liberty of the petitioner only on the ground of such allegation.

12. From the statement under Section 183 made by the complainant, it transpires that allegedly the petitioner took the gold ornaments of the complainant and sold it to some other lady without her permission. If that be so, the said ornaments would not be in custody of the petitioner at this juncture, thereby obviating the necessity of custodial interrogation.

13. In such circumstances, the Court is of the opinion that the arrest of the petitioner at this stage would be premature.

14. Accordingly, CRM (A) 945 of 2026 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner furnishes bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri and the petitioner shall not leave the territorial jurisdiction of his residential police station.

15. Furthermore, the petitioner shall not in any manner attempt to establish any contact whatsoever and/or induce or intimidate the complainant, her family and/or any prospective witness. The petitioner shall also not attempt to tamper with the evidence in any manner and shall fully cooperate with the Investigating Officer in the investigation. The petitioner shall meet the Investigating Officer at least once a week and shall make himself available for further interrogation, as and when required by the Investigating Officer.

16. In the event any of the above conditions are flouted, it will be open to the State to seek cancellation of bail.

(Sabyasachi Bhattacharyya, J.)