

District: Purba Bardhaman.

In the Court of the Sessions Judge, Purba Bardhaman, at Burdwan.

Present: Shri Syama Prasad Chattopadhyay,

Sessions Judge In-charge, Purba Bardhaman.

Criminal Misc.- Case No. 434 of 2026

(CNR NO. WBBD 01 001192 2026)

Riyajul Haque @ Md. Riyajul Haque

- versus-

The State

Order no. 03 dated 02.04.2026:

The application for anticipatory bail Under Section 482 B.N.S.S. filed on behalf of the accused petitioner namely Riyajul Haque @ Md. Riyajul Haque who apprehends arrest in connection with Ketugram P.S. Case No. 115 of 2026 dated 26.02.2026 U/S 69 of B.N.S. is taken up for hearing.

T.C.R. received. C.D. is also produced.

Heard the Ld. Advocate for the petitioner and Ld. P.P. In-charge.

It is submitted by the Ld. Advocate for the petitioner that this accused did not commit any serious offence as alleged and he has been falsely implicated in this case out of grudge, and nature of allegation is as such, custodial interrogation of the petitioner is not required. In support of his contention, he also cited a decision of the Hon'ble Apex Court reported in (2025) 3 S.C.R. 303: 2025 INSC 308 wherein it is held that Accused is not liable for the offence of rape if the victim has willfully agreed to maintain sexual relations. It is the further submission of the Ld. Advocate that no such application of this petitioner has either been moved before or rejected by the Hon'ble Court or by this Court on any earlier occasion. Hence, Ld. Advocate prays for grant of anticipatory bail to the petitioner on any condition as this Court deems fit.

Strong objection raised by the Ld. P.P. in-charge.

Peruse the materials on record and in the C.D. and also the decision cited.

It is evident that said case was initiated u/ss 376/384/323/504 of I.P.C. But, B.N.S. introduced a new section i.e. 69 which speaks " whoever, by deceitful means or making promise to marry a woman without knowing or fulfilling the same has sexual intercourse with her, such sexual intercourse not amounting to the offence of raps, shall be punishable by either description for a term which may extend to 10 years and shall also be liable to fine."

Considering the materials available in the C.D., nature and gravity of the offence, role played by him and facts and circumstances, I am of the view that custodial interrogation of the present petitioner is highly needed in this case. Accordingly, his prayer u/s 482 B.N.S.S. is rejected.

Let a copy of this order along with the T.C.R. be transmitted to the concerned Court for information and necessary action.

C.D. be returned.

Instant Criminal Misc.- Case is thus disposed of.

Dictated & corrected by me.

S.J. In-charge.

Sessions Judge In-charge, Purba Bardhaman.