

20.07.2026
Ct. No. 11
SL No.07
Cp
Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM (A) No. 403 of 2026

In Re: - An application for anticipatory bail under section 438 of the Code of Criminal Procedure, 1973/Section 482 of the B.N.S.S. 2023, in connection with Sitalkuchi Police Station Case No.112 of 2026, dated 10.03.2026 under Sections 140(3), 64, 351 (3), 3(5) of the B.N.S, 2023.

And

In the matter of: **Nabiyar Miah**

....Petitioner.

Mr. Sandip Guha Roy

...for the Petitioner.

Mr. Gobinda Ghosh

Mr. Atul Dong

... for the State.

Mr. Ananda Paul

.....for the de facto complainant.

The petitioner prays for anticipatory bail in connection with Sitalkuchi Police Station Case No.112 of 2026, dated March 10, 2026. According to the learned for the petitioner, the victim was a married lady and she and the petitioner had a consensual relationship. The contents of the FIR would indicate that the allegation of rape was not substantiated. The victim has admitted that, after the incident took place the petitioner had dropped her off at her residence on his own motorcycle.

The learned advocate for the State submits that the victim declined medical examination. It is also stated that the victim's statement under Section 183 of the BNS would indicate the seriousness of the allegation.

It appears from the FIR and the documents in the case diary that the son was present with the victim at the place of occurrence. The place of occurrence is a friend's house. Reference is also made to a 'salishi'. Considering the attending facts and circumstances and the case diary, this court holds that the application should be allowed.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.20,000/- with two sureties of equal amount, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the B.N.S.S. 2023. The petitioner shall appear before the jurisdictional court on each date of hearing as may be fixed. The petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever. The petitioner shall not enter into the jurisdiction of the Sitalkuchi Police Station, except on the dates required for attending the court.

In case the petitioner fails to adhere to any of the conditions stated above, the learned jurisdictional court shall be entitled to cancel the bail without further reference to this court.

The application for anticipatory bail, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)