15.10.2026

Sl. No. DL 10
Court No. 550
ALLOWED

Asraf, A.R.(Ct.)

In the High Court at Calcutta

Criminal Miscellaneous Jurisdiction

Case No.

CRM (M) 2564 of 2026

In Re : An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the Code of Criminal Procedure, 1973 filed

in connection with

Krishnagar Kotwali Police Station case no.713 of 2026 dated 25.06.2026 under Section 64 of the Bharatiya Nyaya Sanhita, 2023 and Sections 66 and 67 of the Information Technology Act, 2000.

-AND-

In the matter of :

ARNAB SARKAR

.....*Petitioner*

For the Petitioner :

Ms. Minoti Gomes
Ms. Sangeeta Chakraborty
Ms. Anindita Kundu

...*Advocates*

For the State :

Mr. Kalidas Saha
Mr. Deepak Khetawat

...*Advocates*

For the Victim :

Mr. Tapabrata Bhattacharya

...*Advocate*

1. Learned counsel for the petitioner submits that the petitioner is in custody for 3 months 20 days. She submits that the petitioner was in love relationship with the de facto complainant who was a lady of 19 years old at the relevant point of time. Chargesheet has been submitted. There are allegations of having alleged video and/or photo containing the intimate and obscene materials between the de facto complainant and the petitioner, but no such video or photo

to that effect was ever seized by the investigating officer. As the investigation is complete, the petitioner may be released on bail on any stringent condition.

2. Learned counsel for the State vehemently opposes the prayer for bail of the petitioner and submits that there are sufficient incriminating materials against the petitioner and as such, the prayer for bail should be rejected. He submits that the petitioner on several occasions took the victim to several hotels and had sexual intercourse with her after making her intoxicated and further the petitioner had taken obscene photos and videos of the victim and threatened the victim if she did not satisfy his sexual desire, he will upload the picture and videos of obscene content in social media.

3. Learned counsel for the de facto complainant opposes the prayer for bail vehemently. He submits that the present petitioner did this similar type of heinous act not only against the present victim but also against several other girls. If the petitioner is enlarged on bail, the victim may be threatened and will not be able to depose before the Court freely and without any pressure.

4. I have gone through the materials on record. It is true that the petitioner and the victim both were major at the relevant point of time. From the copy of the hotel registers, it is further found that that the victim was taken to several hotels and the petitioner is seen as the principal customer there. Although there is allegation that obscene pictures and videos were taken, however, the investigating officer has

failed to seize any such incriminating articles in this regard. Even if the mobile is sold to someone, the mobile phone might have to be seized from the purchaser, but the mobile phone of the petitioner was not seized by the investigating officer. In fact, although there was allegation that the petitioner committed this type of act with other girls also, there is not a single evidence to that effect.

5. Considering all aspects of the matter, I find that the victim was major at the relevant point of time and no material is found that the victim was compelled to consume any intoxicated articles at the relevant point of time.

6. In view of above and after going the through the materials on record, I am of the opinion that the petitioner be enlarged on bail.

7. Accordingly, the prayer for bail of the petitioner stands **allowed**.

8. As such, the petitioner shall furnish bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of Rs.5,000/- (Rupees Five Thousand only) each, one of whom must be local to the satisfaction of the learned Chief Judicial Magistrate, Krishnagar, Nadia subject to condition that the petitioner shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and also on further condition that the petitioner shall be physically present on each and every date before the learned Trial Court in seisin of the case. The petitioner shall not enter the jurisdiction of Kotwali Krishnagar police station except for the purpose of

attending Court and shall leave the district of Nadia and he shall also furnish the local address where he shall reside to the learned Trial Court. In addition, he shall meet the Inspector-in-Charge of the local jurisdictional police station once in a week until further order of the learned Trial Court.

9. In the event, the petitioner fails to comply with any of the conditions as mentioned hereinabove without justifiable cause, the learned Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

10. With the above observations, the instant application for bail is disposed of.

11. Memorandum of evidence submitted by the learned advocate for the State be kept with the record.

12. Case diary be returned to the learned advocate appearing for the State.

13. All parties shall act on the basis of server copy of this order duly downloaded from the official website of this Court.

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

(Apurba Sinha Ray, J.)