

28.11.2024
Item No.29
Court No.1
(GB)
(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (A) 893 of 2024

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 **Dinhata** Police Station Case No.**486 of 2024** dated **13.09.2024** under Sections 137(2)/140(3)/3(5) of B.N.N.S., 2023

And

In the matter of: **Biren Roy & Ors..**

....Petitioners.

Mr. Subhasish Misra,
Mr. Satyajit Paul,
Mr. Abhijit Chanda,
Ms. Keya Sarkar

...for the Petitioners.

Mr. Abhijit Sarkar,
Mr. Biswarup Roy

... for the State.

Mr. Deborshi Dhar,

... for the defacto complainant.

1. Learned advocate for the petitioners submits that both the petitioner no.4 and the victim are minors and a love affair developed between them. Following the same, the incident allegedly occurred. He submits that in this case, the benefit under Section 482 of the B.N.S.S., 2023 can be extended to the petitioners. The other petitioners are the family members of the petitioner no.4.
2. Learned advocate for the de facto complainant is present in Court and submits that the girl is now separated from the petitioner No.4 and is staying with her parents.
3. Learned advocate for the State produces the case diary and strongly opposes the prayer.
4. Heard the learned advocates for the respective parties. Perused the case diary and other materials on record, including the statement of

the victim recorded under Section 183 of the B.N.S.S., 2023. The statement, prima facie, indicates that there was a love affair and a physical relation developed. The girl is 15 years old and the boy is 17 years old.

5. Considering these aspects, we are of the view that benefit of Section 482 of the B.N.S.S. can be extended in favour of the petitioners. Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of equal amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.
6. The application for anticipatory bail, being CRM (A) 893 of 2024 is, thus, disposed of.
7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)

(Partha Sarathi Chatterjee, J.)