

24.03.2025

Serial no. 8
Anticipatory Bail
[Allowed]
Dd

CRM (A) 915 of 2025

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Santipur** Police Station Case No. **128** of **2025** dated **February 6, 2025**, under Sections **329(4)/115(2)/76/351(2)(3)/3(5)** of the Bharatiya Nyaya Sanhita, 2023 and Section **8** of POCSO Act, 2012 pending before Ld. Additional District & Sessions Judge, Special Court (under POCSO Act), Ranaghat, Nadia.*

-And-

In the matter of : **BILTU SEKH AND ORS.**

... .. **Petitioners**

Ms. Sananda Bhattacharyya, Advocate

... .. For the Petitioners

Mr. Provash Bhattacharya,

Mr. Abnhishek Verma, Advocates

... ..For the State

1. Affidavit-of-service filed in Court be taken on record.
2. Report of the State filed in Court be taken on record.
3. Affidavit shows that the de facto complainant was served.
None appears for the de facto complainant despite service.
4. Victim recorded a statement under Section 183 of the BNSS, 2023 where, she claims that there was an on going incident of assault in which she intervened whereupon, she was touched on the body.
5. Victim herself does not classify the touch as a bad touch.
6. Materials in the case diary, at this stage, do not suggest that there was any sexual assault on the victim.
7. In such circumstances, we are inclined anticipatory bail to the petitioners.
8. Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond

of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be 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 Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioners shall report before the Investigating Officer once in a fortnight till the conclusion of the investigation and on further condition that the petitioners shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

9. Prayer for anticipatory bail of the petitioners is **allowed**.

10. **CRM(A) 915 of 2025** is **disposed of**.

(Debangsu Basak, J.)

(Smita Das De, J.)