

03.04.2025
Court No.28
Item No.7
tbsr
Allowed

CRM (A) 1000 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Chandipur** P.S. Case No.**376 of 2024** dated **06.10.2024** under Sections **137(2)/140(3)/3(5)/87/65(1)** of the Bharatiya Nyaya Sanhita read with Sections 6(1)/17 of the Protection of Children from Sexual Offences Act and Sections 9/10 of the Prohibition of Child Marriage Act.

And

In the matter of: **Lakshman Khatua @ Laxman Khatua & Anr.**

....Petitioners.

Mr. Arnab Chatterjee

Mr. Abhinaba Mukherjee

...for the petitioners.

Mr. Aniruddha Bhattacharyya

Ms. Anushka Bose

Ms. Rai Das

.....for the de facto complainant

Ms. Subhasree Patel

Ms. Debadrita Mondal

...for the State.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The 19 years old principal accused had a relationship with the minor victim girl. In her statement under Section 183 of the BNSS, the victim has not implicated the present petitioners in this case. In fact, she has not denied that there was any relationship between the two and has not even stated that there was any forceful kidnapping or taking away. The principal accused is on bail. In fact, the principal accused had met with an accident and passed away in the meantime.

Learned counsel appearing on behalf of the State relies on the case diary and submits as follows. From the statements of witnesses

it appears that the two had stayed at the house of the petitioners for some time. Charge sheet has been submitted.

Considering the fact that the prime accused was granted bail and the statement of the victim girl before the Magistrate does not implicate the petitioners, I am inclined to grant anticipatory bail of the petitioners.

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 like amount each, one of whom must be local, 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 BNSS, 2023 and on further conditions that the petitioners shall cooperate with the investigation.

The petitioners shall not threaten the witnesses, in which event the jurisdictional Court shall be at liberty to take appropriate steps.

The application for anticipatory bail is, thus, allowed.

(Jay Sengupta, J.)