

AD 15
April 28, 2025
Ct. 28
SG

Allowed

CRM(A) 1105 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Nowda P.S. Case No.19 of 2025 dated 23.01.2025 under Sections 85/64 of the BNS read with Section 4/6 of the Prohibition of Child Marriage Act, 2006 and read with Sections 4/6 of POCSO Act, 2012.

And

In the matter of:

Rahul Sk.

... petitioner

Mr. Jisan Iqbal Hossain

... for the petitioner.

Mr. Shiladitya Banerjee
Ms. Kanchan Roy

... for the State.

Mr. Abhinav Rakshit

... for the de facto complainant.

Learned counsel appearing for the petitioner submits that the petitioner is the 21 year old husband of the de facto complainant who was 17 years 10 months old at the relevant time. They got married in the presence of their respective parents. Afterwards, the wife claimed that she was forcibly given in marriage with the petitioner and the petitioner had raped her when they stayed together.

Learned counsel for the State relies on the case diary and submits that in the statement before the learned Magistrate the de facto complainant has made allegations against the petitioner where she wanted divorce from the said husband,

among other things. She refused to undergo any medical examination.

Learned counsel for the de facto complainant submits that the de facto complainant does not want to stay with the petitioner.

The personal law permits marriage of the petitioner and the victim at the age at which they were allegedly married. There is a 'Kabilnama' to that effect.

In view of the above, the nature of allegations and the fact that the victim refused to undergo any medical examination, I am inclined to grant anticipatory bail to the petitioner.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) 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 the further condition that the petitioner shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

(Jay Sengupta, J.)

