

22.04.2025
Sl. No.12
Ct. 28
NB

C.R.M. (A) 1150 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Ranitala PS Case No.1001 of 2024 dated 02.12.2024 under Sections 4 of the Protection of Children From Sexual Offences Act and Sections 9/10/11 of the Prohibition of Child Marriage Act read with Section 65(1) of the Bharatiya Nyaya Sanhita, 2023 pending before the learned Judge, Special Court under POCSO Act, at Lalbagh, Murshidabad.

And

In the matter of : Nasim Sk. @ Bhuttu

... petitioner.

Mr. Tapodip Gupta.
...for the petitioner.

Mr. Kunal Ganguly.
...for the State.

Service report for intimation upon the victim's father is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The FIR was started at the behest of an NGO. Initially, the case was that of giving marriage to an underage girl. The victim was aged about 14 years 09 months while the petitioner was about 19 years old. The petitioner denies the allegations.

Learned counsel appearing on behalf of the State relies on the case diary and submits that although there are statements of witnesses that a marriage took place, but the victim girl has denied the performance of any kind of marriage. She has also refused to

undergo medical examination. Charge sheet and supplementary charge sheet both have been submitted.

In view of the exonerative statement given by the victim girl and her refusal to undergo medical examination, I do not think that custodial interrogation of the petitioner is required in this case.

Accordingly, in the event of arrest, the petitioner 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner shall not influence, threaten or intimidate witnesses and attend the jurisdictional Court on the dates fixed.

The application for anticipatory bail being **CRM(A) 1150 of 2025** is, thus, allowed.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)