

02.05.2025
SL.30
Ct.No.28
NB
(Allowed)

CRM (A) 1423 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 Dholahat P.S. Case No.27 of 2025 dated 15.01.2025 under Sections 115(2)/64(2)(m)/351(2) of the Bharatiya Nyay Sanhita, 2023 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO) pending before the learned Special Court, Kakdwip, South 24-Parganas.

And

In the matter of : Atiyar Baidya @ Atiar Rahaman Baidya & Ors
.... petitioners

Mr. Sumit Routh.
...for the petitioners.

Mr. Bidyut Kumar Roy,
Mr. Soumya Basu Roy Chowdhuri.
...for the State.

Ms. Nandini Chatterjee
...for the de facto complainant.

Learned counsel appearing on behalf of the petitioners submits that the petitioners are the relatives of the prime accused. The prime accused was arrested and was granted bail. The victim is aged about 17 years and was having relationship with the principal accused.

Learned counsel appearing on behalf of the principal accused strongly opposes the prayer for anticipatory bail. She reiterates the stand of the victim taken before the Magistrate and submits that although the victim was in love with the petitioner when she came to know about the intentions of the principal accused to have a physical relationship, she broke up. After that, she was sexually assaulted by

the principal accused. When this was reported before the petitioners and the other relatives, she was beaten up.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail, but, submits that charge sheet has already been submitted.

In view the nature of allegations and the alleged roles ascribed to the present petitioners and the fact that charge sheet has already been submitted, I am inclined to grant anticipatory bail to the present petitioners.

Accordingly, 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 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 not to threaten or intimidate witnesses and the petitioner no.1 shall not enter the jurisdiction of Dholahat Police Station for a period of six months from this date except for the purpose of attending the jurisdictional Court or for meeting the Investigating Officer.

The application for anticipatory bail being **CRM(A) 1423 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.)