

13.05.2025.
42.
Ct. No. 28.
PRITAM
[ALLOWED]

C. R. M. (A) 1515 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Gazole** Police Station Case No. **246** of **2023** dated **05.04.2023** under Sections **363/365** of the IPC, 1860 and Section 6 of the POCSO Act & Sections 9/10 of the Prohibition of Child Marriage Act.

And

In Re: **Surajit Roy @ Surajit Ray.**

... .. petitioner.

Mr. Sourav Chatterjee, Sr. Adv.,
Ms. Namrata Chatterjee.

.... for the petitioner.

Mr. Bitasok Banerjee,
Ms. Debolina Das.

.... for the State.

1. Affidavit-of-service filed in court today be taken on record. As the present *de-facto* complainant/mother of the victim could not be reached, notice was served on the father of the victim girl, who was the *de-facto* complainant in an earlier FIR.

2. No one appears on behalf of the *de-facto* complainant.

3. Learned senior advocate representing the petitioner submits as follows. It was alleged that about 15 days before September 26, 2022 when the earlier FIR was registered, the alleged victim was kidnapped by the present petitioner. A case was started, *inter alia*, under Sections 363/365 of the IPC. Charge sheet was submitted. It was only after the petitioner was granted bail in connection with the same case and after about four months from the alleged incident that a complainant was filed under Section 156(3) of the IPC that led to the registration

of the present FIR. The victim is presently a major. In the earlier FIR, it was alleged that the two had fled away without permission of their parents. In the present FIR, some more allegations have been added. However, there is no mention of the earlier incident of the earlier criminal proceeding.

4. Learned advocate appearing on behalf of the State relies on the case diary and submits as follows. The statement of the victim recorded before the Magistrate clearly supports the prosecution case. However, she refused to undergo medical examination. Surprisingly, there is no mention of the earlier case in the present FIR or in any of the statements of the victim or other family members.

5. Considering the nature of allegations, the surprising non-disclosure of the earlier allegation of kidnapping and the fact that charge sheet has been submitted, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, I direct that in the event of arrest, the petitioners viz., **Surajit Roy @ Surajit Ray** be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioners shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall surrender and obtain bail within five weeks from this date and shall remain outside jurisdiction of Gazole Police Station for a period of six months

except for the purpose of attending court proceedings or for meeting the Investigating Officer.

7. The application for anticipatory bail being **CRM (A) 1515 of 2025** is, thus, disposed of.

(Jay Sengupta, J.)