

AD 48
June 30, 2025
Ct. 28
SG

Allowed

CRM(A) 1772 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kolaghat P.S. Case No.692 of 2024 dated 18.09.2024 under Sections 137(2)/140(3) of the BNS, 2023 and adding Section of 64(2)(m) of the BNS, 2023 and Section 6(1) of POCSO Act.

And

In the matter of:

Sourodip Mali ... *petitioner*

Mr. Ayan Basu
Mr. Sourav Bera
Mr. Sumit Routh

... for the petitioner

Ms. Sonali Das
Mr. Prakash Mishra

... for the State

Mr. Saryati Datta

... for the victim

Learned counsel for the petitioner submits that the petitioner was 19 years old when he fell in love with a 16 years old girl. It is alleged that the two eloped and stayed at a different place. The family members did not like the relationship and registered an FIR.

Learned counsel for the de facto complainant strongly opposes the prayer for anticipatory bail and submits that the victim was a minor at the relevant time.

Learned counsel for the State opposes the prayer for anticipatory bail, relies on the materials available in the case diary and points to the statement of the victim recorded before the learned Magistrate.

It appears from the statement that the victim girl admitted to have fallen in love with the petitioner and having left the matrimonial home voluntarily along with the petitioner.

Considering the nature of the allegations and statement given by the victim before the learned Magistrate, 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) 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 conditions that the petitioner shall cooperate with the investigation, the petitioner shall meet the investigating officer once a fortnight till submission of report in final form and the petitioner shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)