

C. R. M. (A) 1785 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 23.05.2025 in connection with PTN No. WBWM01P000542 2025 arising out of Keshpur Police Station Case No.122 of 2025 dated 11.03.2025 under Sections 126(2)/308(2)(5)/351(3)/3(5) of Bharatiya Nyaya Sanhita, 2023 read with Section 15(2) of the Protection of Children from Sexual Offences Act, 2012.

And

In Re: **Sk. Minal @ Sekh. Minal Ali**

... .. Petitioner

Mr. Amit Ranjan Pati,
Mr. Sunayan Ghosh,
Ms. K. Kubra

... .. for the petitioner

Ms. Manisha Sharma,
Ms. Suveni Banerjee

... .. for the State

Mr. Tarak Nath Sarkar,
Mr. Goutam Malik

... .. for the O.P. No.2

1. The present petitioner and others are booked with an alleged offence punishable under Section 126(2)/308(2)(5)/351(3)/3(5) of Bharatiya Nyaya Sanhita, 2023 and 15(2) of the POCSO Act.
2. Learned counsel for the petitioner submits that he is not the principal accused of the alleged offence. He has been cited as an assistant of the principal accused. He has been falsely implicated in this case. He is no way connected with the alleged offence.
3. Learned counsel for the petitioner further argued that the allegation in the F.I.R. if correctly considered, it would appear that there is an allegation of extortion of money amounting to Rs.26 lakh. There is no document to prove that how such an amount of money was there along with the victim. He submits that there was previous enmity between the parties, hence, the alleged F.I.R. has been lodged.
4. After service of notice the *de facto* complainant appears through learned counsel.

5. Learned counsel for the victim submits that the allegation in the F.I.R. is verbatimly true and the present petitioner was also involved in the alleged offence. He submits that during the course of investigation statement of the victim was recorded under Section 164 Cr.P.C. wherein the name of the petitioner transpired.

6. Learned counsel appearing on behalf of the State raised strong objection and submits that the investigation is still going on. There are several materials in the C.D. including the statement of the victim who specifically stated the name of the present petitioner regarding his involvement in the alleged offence.

7. Heard learned counsel for the parties. Perused the materials in the C.D. including the statement recorded under Section 161 Cr.P.C. as well as the statement recorded under Section 164 Cr.P.C.

8. Having heard the learned counsel for the parties and also considering the materials in the C.D., it appears to this Court that *prima facie* involvement of the present petitioner has been revealed in the materials in the C.D. Accordingly, the petitioner may not deserve any order of anticipatory bail.

9. Accordingly, the prayer for anticipatory bail of the petitioner is considered and rejected.

(Subhendu Samanta, J.)