

CRM (A) 2036 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 **Chanchal** Police Station Case No. **495** of **2025** dated **26.04.2025** under Section **09** of the Prohibition of Child Marriage Act read with Section **06** of POCSO Act and 376(2)n of the Indian Penal Code, pending before the Court of the learned Judge, Special Court at Chanchal, Malda.

And

In the matter of : **Banijuddin**

..... Petitioner

Mr. Pradip Kumar Kundu

... For the petitioner

Mr. Ashok Das

... For the State

Mr. Tapodip Ghosh

....For the victim lady

1. The instant application has been filed with a prayer for anticipatory bail.
2. Affidavit-of-service and the marriage certificate filed by the petitioner are taken on record.
3. Learned counsel appearing on behalf of the petitioner has prayed for anticipatory bail on the ground that both the victim and the petitioner are living together peacefully as husband and wife. Learned counsel, in support of his contention, has filed one marriage certificate.
4. Learned counsel appearing on behalf of the de-facto complainant has also conceded the submissions advanced on behalf of the petitioner.

5. On the other hand, learned counsel appearing on behalf of the State has referred to the statement of the victim recorded under Section 164 of Cr.P.C. (Section 183 of BNSS).

6. However, after hearing all the parties including the materials collected in the case diary, the prayer for anticipatory bail of the petitioner is **allowed**.

7. Accordingly, I direct that in the event of arrest, the petitioner, namely, **Banijuddin** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with one surety of like amount, 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 and also on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in case of any violation, the jurisdictional Court shall be at liberty to cancel the anticipatory bail and to take all steps to ensure the production of the petitioner/accused in Court without further reference to this Court.

8. Accordingly, CRM (A) 2036 of 2025 stands disposed of.

9. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

10. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Bibhas Ranjan De, J.)