

05.08.2025
Sl. No.48
Ct. 28
NB

C.R.M. (A) 2282 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 Nabadwip PS Case No.229/2025 dated 02.04.2025 under Sections 329(3)/79/115(2)/118(1)/117(2)/109/74/324(4)/303(2)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 12 of the POCSO Act, 2012.

And

In the matter of: XXX & Ors.

...petitioners

Mr. Sumanta Das,
Mr. Avilash Tripathi.
...for the petitioners.

Mr. Arindam Sen,
Mr. Kaustav Banerjee.
...for the State.

Mr. Manas Kumar Das
...for the de facto complainant.

Affidavit of service filed on behalf of the petitioners is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. An altercation took place between neighbours. Injuries were suffered on both sides. But, none of them were grievous in nature. There is no case made out under the POCSO Act. Upon intervention by common friends, the matter has been finally settled between the private parties.

Learned counsel appearing on behalf of the de facto complainant submits as follows. Upon intervention of common well-

wishers and friends, the disputes between the private parties that had led to the registration of the FIR have all been settled. The de facto complainant would not come in the way if anticipatory bail is granted to the petitioners.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He refers to the statements of witnesses including that of the minor victim and the injury reports which, however, show inflicting of simple injuries.

It will be for the learned Trial Court to decide whether Section 12 of the POCSO Act is at all made out in the facts and circumstances of the present case.

However, considering the materials available in the case diary and the fact that both sides received injuries and that the adverse parties are now having a friendly relation as neighbours, I am inclined to grant anticipatory bail to the 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 that the petitioners shall not threaten or intimidate witnesses or tamper with evidence and shall attend the jurisdictional Court regularly and they shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date.

The application for anticipatory bail being **CRM (A) 2282 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.)