

AD 24
August 26, 2025
Ct. 28
SG

CRM(A) 2499 of 2025

Allowed

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Tapan P.S. Case No.523 of 2024 dated 26.11.2024 under Section 137(2) of the BNSS, 2023 adding Sections 140(3)/64(2)(M) of the BNS, 2023 and Section 6 of the POCSO Act.

And

In the matter of:

Yakub Sk

... petitioner

Mr. Kaushik Choudhury

... for the petitioner

Mr. Md. Adil Badr

Mr. Sufi Kamal

... for the State

Mr. S. Hossain

... for the de facto complainant

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. There was a relationship between the alleged victim and the petitioner.

Learned counsel for the de facto complainant submits that the de facto complainant is the mother of the alleged victim and she strongly opposes the application.

Learned counsel for the State opposes the prayer for anticipatory bail, but submits that the 15 years old victim had refused medical examination and had made an exonerative statement before the learned Magistrate.

Considering the materials available in the case diary and the fact that the minor victim refused to undergo medical examination and gave an exonerative statement before the learned Magistrate, I do not find that custodial interrogation of the petitioner is required in this case and 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, shall meet the investigating officer twice a week till submission of report in final form and 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.)