

AD 22
August 26, 2025
Ct. 28
SG

Partly Allowed

CRM(A) 2401 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliachak P.S. Case No.1447 of 2023 dated 07.11.2023 under Sections 341/506/34 of the IPC, Sections 9/10/11 of the Prohibition of Child Marriage Act and Sections 6/17 of the POCSO Act.

And

In the matter of:

XXXXA and another

... petitioners

Mr. Arup Kumar Bhowmick

... for the petitioners

Ms. Manisha Sharma

Mr. Rajesh Jana

... for the State

Mr. Dhananjay Banerjee

... for the de facto complainant

Learned counsel appearing for the petitioners submits that the petitioner No.2 is the father of the petitioner No.1. The petitioners have been falsely implicated in this case. A settlement has been arrived at between the private parties.

Learned counsel for the de facto complainant submits that at present the de facto complainant is not willing to continue with the present proceeding.

Learned counsel for the State opposes the prayer for anticipatory bail. She relies on the earlier statement of the victim girl made before a learned Magistrate where she had clearly stated that she was kidnapped by the petitioner No.1 and others and forcibly married in a sham marriage ceremony. Thereafter, the petitioner No.1 sexually assaulted

her. In the second statement before the learned Magistrate the victim reiterated that the petitioner No.1 got married to her forcibly. However, she also stated that at present she is married and she does not want to continue the proceeding.

Serious cases like murder, dacoity, rape or sexual assaults under the POCSO Act are such offences which cannot be settled and compromise between the private parties. Reliance may be placed in the decision in Fian Singh vs. State of Punjab and another, reported at (2012) 10 SCC 303.

The materials available in the case diary are very serious so far as the present petitioner No.1 is concerned.

Considering the above, I am not inclined to grant anticipatory bail to the petitioner No.1. However, in view of the alleged role ascribed to the present petitioner No. 2, who is the father of the petitioner No.1, I am inclined to grant anticipatory bail to the petitioner No.2.

Accordingly, the prayer for anticipatory bail to the petitioner No.1 (XXXA) is rejected.

In the event of arrest, the petitioner No.2 (XXXB) 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 No.2 shall cooperate with the investigation and shall meet the investigating officer once a fortnight till submission of report in final form and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, disposed of.

4Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)