

25.08.2025
Court No.28
Item No.41
ssi

CRM (A) 2536 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Hili PS Case No.**46 of 2025** dated **12.03.2025** under Sections 64/351(2)/3(5) of the BNS, 2023 read with Section 6(1) of the POCSO Act, 2012.

And

In the matter of: Aminul Sekh @ Aminur Shekh

Mr. Bibaswan Bhattacharya
Mr. Abhik Sen

...for the petitioner

Ms. Zareen Nasima Khan
Mr. Anupam Das Adhikari

..for the State

Report filed on behalf of the State is taken on record.

Despite service upon the de facto complainant, no one appears for her.

Copies of documents filed on behalf of the petitioner be kept in a sealed cover with the record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner got acquainted with the alleged victim over social media and the two entered into a relationship. When a marriage was being arranged between the parties, the de facto complainant received a false information that the petitioner was getting married to someone else and went on to lodge the FIR. Although marriage negotiations were going on, the same was delayed as the girl was still minor. After registering the FIR, the daughter of the de facto complainant i.e., the alleged victim had whatsapp chats

with the petitioner. She went on to demand land for withdrawing the case.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. She relies on the statement of the victim and the materials available in the case diary.

On the question as to why did the Investigating Officer prayed for issuance of proclamation against the petitioner for a case that was registered only in March 2025, no satisfactory answer could be given upon instruction from the Investigating Officer who is present in Court. Proclamation, however, has not been issued yet.

Considering the materials available in the case diary, the fact that there were some kind of relationship between the petitioner and the alleged victim for some time and charge sheet has been submitted, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the application for anticipatory bail of the petitioner is allowed.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 further conditions that the petitioner shall not threaten or intimidate witnesses.

The presence of the Investigating Officer is noted and is dispensed with.

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

(Jay Sengupta, J.)