

25.08.2025
Court No.28
Item No. 58
tbsr
Partly Allowed

CRM (A) 2657 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Lalgola** P.S. Case No.**383 of 2025** dated **14.05.2025** under Sections **9/10/11** of the Prohibition of Child Marriage Act read with Section 6 of the Protection of Children from Sexual Offences Act.

And

In the matter of: XXX accused no. 1 & Anr.

....Petitioners.

Mr. Soumyajit Das Mahapatra
Md. G. N. Imrohi

...for the petitioners.

Ms. Sayanti Santra
Mr. Subhasish Datta
....for the State

Md. Abdur Rakib
Mr. Biswajit Sarkar
Mr. Mojahid Mehedi
....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. A marriage was arranged between the petitioner No. 1 and the alleged victim. They went into a relationship. At the present both have got married to each other.

Learned counsel appearing on behalf of the de-facto complainant vehemently opposes the prayer for anticipatory bail and denies that the de-facto complainant has at all married the alleged victim.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail, relies on the statements of the victim recorded before the learned Magistrate and other documents.

From the statements of the victim, it appears that although marriage was arranged between the two, the same did not take place. Before that the victim was taken to a place by the petitioner No. 1, applied an intoxicating substance and thereafter forcibly raped.

Considering the incriminating material available in the case diary including the statement of the victim and the medical report where the victim had stated about the facts, I do not consider this to be a fit case for granting anticipatory bail to the petitioner no 1. However, considering the alleged role ascribed to the petitioner no. 2, her application for anticipatory bail is allowed.

Thus, in the event of arrest, the petitioner No. 2 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 condition that the petitioner No. 2 shall co-operate with investigation and shall not threaten or intimidate witnesses.

Accordingly, the application for anticipatory bail is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

The Department is also directed to issue a certified copy of the petition that was filed in sealed cover and give it to the advocate on record of the petitioner in a sealed cover, which shall be filed before the learned trial Court in such sealed cover.

(Jay Sengupta, J.)