

D/L 12
19-08-2025
Ct. No.446
Saikat
(Partly Allowed)

CRM (A)/2714/2025

**CHIMTHU CHOWDHURY @ CHIMTU CHOWDHURY & ORS.
VS.
THE STATE OF WEST BENGAL & ANR.**

In Re: Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita filed in connection with Pukhuria P.S. Case No.274/2025 dated 09.06.2025 under Sections 126(2)/115(2)/109/3(5) of Bharatiya Nyaya Sanhita, 2023, read with sections 8/17 of the POCSO Act, 2012.

Mr. Pinaki Dhole, Adv.
Mr. Rabindra Kumar Pathak, Adv.
Ms. Srijita Mondal (Noe), Adv.

...For the Petitioners

Mr. Debabrata Chatterjee, Adv.
Mr. Sujoy Sarkar, Adv.

...For the State

Ms. Sujata Das, Adv.

...For the *De Facto* Complainant

1. At the outset, it is submitted by the learned advocate appearing on behalf of the petitioners that a typographical error crept in the order dated 11th August, 2025, wherein it is mentioned in the first paragraph 'victim girl' instead of 'victim boy'. It is directed that the words 'victim girl' in that order may be read as 'victim boy' and the other part of the said order remains unchanged.
2. Heard the submission of the prosecution and defence counsels as well as the learned counsel appearing for the *de facto* complainant.
3. The learned counsel representing the present petitioners submits that no specific overt act mentioned in the FIR against the present petitioners and the principal accused is already taken to the juvenile

home, which is reflected from the order of rejection of anticipatory bail by the Sessions Court. It is further submitted that they are innocent and are falsely implicated in this case.

4. The learned counsel appearing for the State and the *de facto* complainant raise vehement objection and address the statement made by the victim boy.
5. On careful perusal of nature of allegations in the Case Diary, statements of witnesses made under section 180 of BNSS and specific statement of victim boy made under section 183 of BNSS, this Court finds *prima facie* sufficient materials against the present petitioner Nos.1, 3, 4 and 5.
6. In the light of the above and since the investigation is still going on, prayer for anticipatory bail with regard to petitioner Nos.1, 3, 4 and 5 is rejected.
7. So far as the prayer for pre-arrest bail of the petitioner No.2 being the father of the principal accused, no specific overt act appears against him and this Court inclines to enlarge him on bail.
8. Accordingly, 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 subject to the condition laid down in section 482(2) of the BNSS.
9. The application for anticipatory bail is, thus, disposed of.
10. Case Diary is, however, returned.

[Chaitali Chatterjee (Das), J.]