

18.08.2025
Item No.12
Ct. No. 446
RP
Rejected

C.R.M(A) 2763 of 2025
PPPPPPP
Vs.
State of West Bengal

In Re : An application under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita filed in connection with Joynagar
PS Case No.7/2025 dated 02.01.2025 under Section
77/78/79/351(2) of the BNSS read with Section 12 of POCSO
Act, 2012.

Ms. Ayesha Najrin
.....For Petitioner
Mr. Saibal Bapuli, APP
Ms. Trina Mitra
.....for State
Mr. Santanu Talukdar
.....for De Facto Complainant

1. In terms of the order dated 11th August, 2025 the prosecution was directed to take appropriate steps to cause service of notice upon the victim girl. To that extent the prosecution has taken steps and filed compliance before this Court. Let the compliance report be kept on record.
2. Heard the submission of both the learned advocates for the parties as well as the de facto complainant.
3. Perused the case diary and the content of the FIR, which was suo motu lodged against the present petitioner.
4. It appears from the record that the marriage between the petitioner and de facto complainant

has been taken place but at the time of marriage the victim lady was minor. Therefore, her consent to marriage cannot be accepted in the eye of law. Furthermore, the statement made by the victim girl under Section 182(2) of BNSS before the Magistrate reveals sufficient material against the petitioner, for which the benefit under Section 182 of BNSS cannot be extended at this stage even though charge sheet has been submitted after completion of investigation. Hence, the prayer for anticipatory bail of the petitioner stands rejected.

(Chaitali Chatterjee (Das), J.)