

24.09.2025
Court No.28
Item No.25
ssi

CRM (A) 2911 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Falta PS Case No.**81 of 2025 SPLPT No. 10/25** dated **03.04.2025** under Sections 64 (2) (m) of BNS 2023 read with Section 6 POCSO Act and 09 of Prohibition of Child Marriage Act.

And

In the matter of: **XXX & others.**

....Applicants/Petitioners.

Ms. Afreen Begum
Mr. Mostafijur Rahaman

...for the petitioners

Ms. Tannistha Bandyopadhyay

...for the de facto

Mr. Sandip Chakraborty
Ms. Diksha Ghosh

...for the State

Learned counsel appearing on behalf of the petitioners submits that the petitioners are the father in law and the two uncles of the alleged victim. Even as per FIR, the petitioner was 16 years old. But, a document pertaining to her application for the benefits of “Kanyashree” Scheme as well as Madhyamic Admit Card would show that as on the date of occurrence, the victim was an adult. In any event, the FIR was lodged about one year after the alleged date of occurrence.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. She submits that the principal accused being the alleged husband of the victim is absconding. The present petitioners were also complicit in the crime. The petitioner was a minor at the relevant date.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the case diary including the statement of the victim recorded before the learned Magistrate.

Considering the discrepancy regarding the age of the victim at the relevant time, the materials available in the case diary and the respective roles ascribed to of the present petitioners, I do not think that custodial interrogation of the petitioners is required in this case and I am inclined to grant anticipatory bail to the petitioners.

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

However, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 petitioners shall co-operate with investigation and shall not threaten or intimidate the witnesses. The petitioners shall meet the I.O. once a fortnight till submission of report in final form.

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

(Jay Sengupta, J.)