

18.09.2025
Sl. No.31
Ct. 28
NB

C.R.M. (A) 2886 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Tehatta PS Case No.573/2025 dated 25.07.2025 under Sections 115(2)/117(2)/74/3(5) of the Bharatiya Nyaya Sanhita, 2023 and 8/12 POCSO Act.

And

In the matter of: Bappa Halder & Anr.

... petitioners

Mr. Jaydeep Biswas,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Mr. Kaushik Ghosh.

...for the petitioners.

Mr. Prasun Kumar Dutta,
Ms. Eshita Dutta.

...for the State.

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

Despite service, no one appears on behalf of the alleged victim.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner no.1 is the son of the petitioner no.2. A title suit was filed in respect of the property in 2021 where the petitioner no.2 was the constituted attorney of the plaintiff. An order of status quo was granted. In 2024, the petitioner no.1 instituted a proceeding under Section 144 of the Code. Another complaint was lodged on 18.06.2025 before the Sub-Divisional Police Officer and other police authorities regarding illegal land grabbing and construction. On 25.07.2025, an FIR was lodged

against the adverse side. As a counterblast, the present FIR was registered against the petitioners, inter alia, under Sections 8 and 12 of the POCSO Act. The petitioners are absolutely innocent and have been falsely implicated in this case. The petitioners complied with the notice issued.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. He submits that previous animus cuts both ways. There are statements of the minor victim as well as neighbours pointing towards the guilt of the petitioners. There is also an injury report of the mother of the minor victim.

Considering the materials available in the case dairy, existence of case and counter case and the respective roles ascribed to each of the petitioners, while I am inclined to grant anticipatory bail to the petitioner no. 2 (Biswanath Halder), the application for anticipatory bail of the petitioner no.1 (Bappa Halder) is rejected.

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 each, one of whom must be local, to the satisfaction of Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that petitioner no. 2 (Biswanath Halder) shall cooperate with the investigation and shall report to the Investigating Officer once a week till submission of report in final form and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever.

The application for anticipatory bail being **C.R.M. (A) 2886 of 2025** is, thus, disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)