

AD 44
November 12, 2025
Ct. 28
SG

Allowed

CRM(A) 2985 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Berhampore Police Station Case No.723 of 2025 dated 09.04.2025 under Sections 115(2)/165(1)/176/351(3)/3(5) of the BNS, 2023 and Section 6 of the POCSO Act, 2012.

And

In the matter of:

Sahinur Bibi and another

... petitioners

Mr. Arnab Chatterjee

Mr. Avik Ghosh

Mr. Anisur Rahaman

... for the petitioners

Mr. Antarikhya Basu

Ms. Puja Goswami

... for the State

Learned counsel for the petitioners submits that on 11.07.2025 this Court had rejected the petitioners' prayer for anticipatory bail in CRM(A) 2164 of 2025 on the ground that the application was not maintainable because one of the provisions mentioned in the FIR was 65(1) of the BNS. On 29.02.2025, a charge-sheet was submitted. It was mentioned in the charge-sheet that Section 65(1) of the BNS was included, but as against the present petitioners, there was no charge under Section 65(1) of the BNS. It was there only so far as the principal accused Suraj Sk. was concerned. Even on merits, there is no material available against the present petitioners so far as the charges are concerned.

Learned counsel for the State opposes the prayer for anticipatory bail and submits that in the portion of the

charge-sheet where charges are mentioned as against each of the accused, Section 65(1) of the BNS has not been imputed against the present petitioners. Even on merits, the allegations are mainly against the principal accused. The victim girl also did not take the names of the present petitioners in the statement before the learned Magistrate.

It appears that there is a substantial change in circumstances. In the charge-sheet submitted after the earlier rejection of anticipatory bail on the ground of non-maintainability, the charge under Section 65(1) of the BNS has not been imputed against the present petitioners. It is there only against the principal accused. Therefore, I find that the second application for anticipatory bail is quite maintainable.

Considering the materials available in the case diary and the alleged role ascribed to the present petitioners, I am inclined to grant anticipatory bail to the petitioners.

In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) 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 the further conditions that the petitioners shall surrender before the learned jurisdictional Court and pray for bail

within four weeks from this date and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Personal appearance of the investigating officer is noted and is dispensed with.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)