

09.12.2025
Court No.28
Item No.6
tbsr
Allowed

CRM (A) 3201 of 2025

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure/Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Lalgola** P.S. Case No. **814 of 2024** dated **02.08.2024** under Sections **376(3)** of the Indian Penal Code read with Section 115(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Section 4 of POCSO Act, 2012.

And

In the matter of: XXXX

Mr. Debapriya Samanta
Ms. Rima Halder
...for the petitioner.

Mr. Iqbal Kabir
Mr. Subhajit Chowdhury
.....for the State.

Md. Jannat Ul Firdous
....for the de facto.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the husband of the alleged victim. He has been falsely implicated in this case. At present, the disputes between the private parties have been settled and the alleged survivor is staying with the petitioner as his wife. She has given birth to a child.

Learned counsel appearing on behalf of the de facto complainant submits that during pendency of this application, a settlement was arrived at between the private parties and the petitioner and his family accepted the alleged survivor as their daughter-in-law as also the child of the petitioner.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. However, he relies on the subsequent

statement of the survivor recorded before a Magistrate on 27.11.2025. As per the statement, initially the in-laws did not accept the survivor and her child. However, subsequently they accepted the survivor and the child. According to the survivor, she is staying with her child at her in-law's place and did not want to continue the criminal case.

In the special circumstances, as stated above, that the petitioner and the in-laws have accepted the alleged survivor and her child in their family and considering the other materials available in the case diary, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant to anticipatory bail to the petitioner.

In the event of arrest, the petitioner 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 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 petitioner shall cooperate with investigation, shall not threaten or intimidate witnesses and shall meet the I.O. once a week till submission of report in final form.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)