

26.11.2025
Court No.28
Item No.13
ssi

CRM (A) 3357 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Kaliachak PS Case No. **1777 of 2024** dated **04.11.2024** under Sections **85/80/3(5)** of the BNS, 2023 and Section 6 of POCSO Act read with Section 10/11 of Child Marriage Prohibition Act.

And

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

....Applicants/Petitioners.

Mr. Mr. Sekhar Bose, Sr. Adv.
Mr. Diptangshu Basu

...for the petitioners

Md. Wasim Akram

...for the de facto

Mr. Pravas Bhattacharya
Mr. Raju Mondal

..for the State

Learned senior counsel appearing on behalf of the petitioners submits as follows. The petitioner nos. 1 and 2 are the parents in law of the alleged victim. The petitioner no.3 is the brother in law. The petitioner no.4 is the wife of the petitioner no.3. The petitioner no.5 is the sister in law and the petitioner no.6 is the husband of the petitioner no.5. The petitioner nos. 4, 5 and 6 were not named in the FIR, but they were named as accused subsequently in the charge sheet. The husband being the principal accused was arrested and was granted statutory bail. Charge sheet showed that the alleged victim was 16 years old and the personal law of the victim permitted marriage after the age of 15 years.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He submits that the

de facto complainant mother of the victim saw certain suspicious marks on the dead body immediately after the incident.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statements of witnesses and the post mortem report. According to the birth certificate, the age of the victim was about 14 ½ years at the time of occurrence.

Considering the materials available in the case diary, the alleged roles ascribed to each of the present petitioners and the fact that the petitioner nos. 4, 5 and 6 were not named in the FIR, although I am inclined to grant anticipatory bail to the petitioner nos. 4, 5 and 6, the application for anticipatory bail of the petitioner nos. 1, 2 and 3 stands rejected.

Accordingly, the application for anticipatory bail of the petitioner nos. 4, 5 and 6 is allowed.

In the event of arrest, the petitioner nos. 4, 5 and 6 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 conditions that the petitioner nos. 4, 5 and 6 shall not threaten or intimidate witnesses and shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date.

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

(Jay Sengupta, J.)