

24.11.2025
SL.20
Ct.No.28
NB

CRM (A) 3364 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 English Bazar P.S. Case No.480 of 2025 dated 17.03.2025 under Sections 137(2)/140(3) of BNS, 2023 added Section 351(2) of BNS and Section 6 of POCSO Act.

And

In the matter of: Nimai Roy ... petitioner

Mr. Kazi M. Rahman
...for the petitioner.

Ms. Anasuya Sinha,
Mr. Tirthankar Dhali.
...for the State.

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

Despite notice, no one appears on behalf of the de facto complainant.

Heard the learned counsels for the parties.

Perused the case diary.

Although the minor victim girl had implicated the petitioner in a statement before the Magistrate, before the CWC, she gave a statement that there was a love affair between the petitioner and the victim and the two had eloped and stayed at a place for some time.

It appears that the alleged victim had herself come back. She also refused to undergo medical examination.

Considering the above and the other materials available in the case diary and the fact that charge sheet has been submitted, I do not think that custodial interrogation of the petitioner is required

in this case and I am inclined to grant anticipatory bail to the present petitioner.

Accordingly, 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 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 the petitioner shall not threaten or intimidate witnesses or tamper with evidence 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.

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.)