

28.11.2025
Sl. No.12
NB

CRM (A) 3536 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 Baruipur Women PS Case No.127/2022 dated 13.10.2022 under Sections 376(2)(n)/506/342/323 of the Indian Penal Code and under Section 6 of the POCSO Act.

And

In the matter of: RRR

... petitioner

Mr. Uday Sankar Chattopadhyay,
Ms. Trisha Rakshit,
Ms. Aishwarya Datta,
Ms. Sadia Parveen.
...for the petitioner.

Mr. Saibal Bapuli,
Ms. Debjani Sahu.
...for the State.

Ms. Snigdha Saha
...for the de facto complainant.

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

Vakalatnama filed on behalf of the de facto complainant is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. This is a second application for anticipatory bail. On 19.08.2025, the first application of the petitioner for anticipatory bail being CRM (A) 2120 of 2025 was dismissed as not pressed by a Coordinate Bench of this Court. There was a love affair between the petitioner and the alleged victim who is now major.

Learned counsel appearing on behalf of the de facto complainant submits that the de facto complainant does not have any objection, if anticipatory bail is granted to the petitioner.

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

From the statement of the alleged victim, it appears that after becoming intimate with the victim at a time when she was minor, the petitioner used to take pictures.

Considering the fact that this is a second application without any substantial change in circumstance, the application for anticipatory bail is dismissed as not maintainable.

However, the petitioner shall be at liberty to surrender before the learned jurisdictional Court and pray for bail, which shall then be considered in accordance with law.

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.)