

16.12.2025
Sl. No.32
Ct. 28
NB

CRM (A) 3641 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 Harischandrapur PS Case No.1014/2025 dated 19.09.2025 under Section 69 of the Bharatiya Nyaya Sanhita, 2023 read with Section 6 of the POCSO Act, 2012.

And

In the matter of: Biswajit Mondal @ Biswojit Mandal

... petitioner

Mr. Shamik Chatterjee,
Mr. Aditya Bikram Mahata,
Mr. Sahil Kabir.
...for the petitioner.

Mr. Imran Ali.
...for the State.

Ms. Tannistha Bandyopadhyay.
...for the OP.

Learned counsel appearing on behalf of the petitioner submits as follows. It is alleged that for the last 9 years, the petitioner was in a relationship with the alleged survivor. As the petitioner refused to marry the survivor, the present FIR was lodged. At present, the alleged survivor is about 23 years old.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. She submits that the promise was made when the survivor was a minor and her consent was obtained by such false promise.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He refers to the statements of witnesses including that of the victim recorded before the learned Magistrate.

It appears that the survivor speaks about the relationship between the two for 9 years. Apparently, she attained majority 5 years ago, yet, chose to file the complaint only in September, 2025.

Considering the above, the materials available in the case diary and the fact that the two were in some kind of a relationship for about 5 years even after becoming an adult, 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 cooperate with the investigation and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and the petitioner shall meet the Investigating Officer once a week till submission of report in final form.

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.)