

12.12.2025

SL.17

Ct.No.28

NB

CRM (A) 3764 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 Khargram P.S. Case No.95 of 2025 dated 11.03.2025 under Sections 137(2)/140(3)/3(5) of the Bharatiya Nyaya Sanhita and adding Section 65(1) BNS and 6 of the POCSO Act.

And

In the matter of: Rabiul Shaikh @ Rubel Sk

.... petitioner

Ms. Minoti Gomes.

...for the petitioner.

Mr. Aniket Mitra,

Mr. Sharegul Haque.

...for the State.

Md. Jannat ul Firdous.

...for the de facto complainant.

Learned senior counsel representing the petitioner submits as follows. The petitioner is presently aged about 22 years and the victim is about 17 years old. The two had a love affair. The girl eloped with the boy and stayed at different places. They went to Pune and stayed there for a period of six months. After returning, under pressure from her parents, the victim girl has taken a different stand. Charge sheet has been submitted.

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

Learned counsel appearing on behalf of the State relies on the case dairy and opposes the prayer for anticipatory bail. He refers to the statements of the victim recorded before the learned

Magistrate and the statements of other witnesses. The survivor refused to undergo medical examination.

Considering the above, the materials available in the case diary, the fact that the two had some kind of a relationship for a period of time and went to different places together, that the alleged survivor refused to undergo medical examination and that charge sheet has already been submitted, I am inclined to grant anticipatory bail to the petitioner. However, considering the nature of allegations, the movement of the petitioner deserves to be restricted for a limited period.

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 and shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date and shall attend the jurisdictional Court regularly and shall stay outside the jurisdiction of Khargram Police Station for a period of three months from this date except for the purpose of attending the jurisdictional Court or for meeting the Investigating Officer.

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

The personal appearance of the Investigating Officer is noted and is dispensed with.

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.)