

18.12.2025
Court No.28
Item No. 50
tbsr

CRM (A) 3956 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Nabadwip** P.S. Case No. **680 of 2025** dated **22.09.2025** under Sections **65(2)** of the BNS and 6 of POCSO Act.

And

In the matter of : Ayush Chakraborty

....Petitioner.

Ms. Minoti Gomes
Mr. Amanul Islam
Mr. Sourav Mukehjee
Mr. Gourav Roy
Mr. Raja Das

....for the petitioner.

Mr. Arijit Ganguly
Ms. Snigdha Sinha

.....for the State.

Mr. Arani Bhattacharyya

....for the de facto complainant

Affidavit of service filed by the petitioner and report filed by the State are taken on record.

Learned counsel appearing on behalf of the petitioner submits that while the alleged survivor is about 5 years old, whereas the age of the accused/petitioner is 12 years. Reliance is placed on the certificate of birth in this regard. There were family disputes, which resulted in the false implication of the petitioner.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. He refers to the statements of 5 years old victim girl, clearly implicating the present petitioner. The version of the victim is supported by the medical report. He also refers to statements of other witnesses.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. He submits that after the incident, money was offered by the petitioner's father and pressure was being applied to settle the matter.

This is, indeed, a very exceptional case where such a serious allegation has been leveled by the prosecution based on the statements of a 5 year old girl and supported medical evidence against a 12 year old accused. This case would best be dealt with by the Juvenile Justice authorities.

In view of the above, I am not inclined to grant anticipatory bail to the petitioner. However, the petitioner shall be at liberty to surrender before the concerned Juvenile Justice Board within three weeks from this date and pray for appropriate relief.

Accordingly, the application for anticipatory bail is, thus, disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)