

18.06.2025
Serial no. 15
[G.S.D]

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

CRM (A) 390 of 2025

In re : An Application under Section **482** of the BNSS, 2023/ 438 of the Cr.P.C. in connection with **Bhaktinagar P.S. Case No. 134 of 2025 dated 09.02.2025 under sections 69/351(2)/3(5) of the BNS, 2023 read with Section 06 of POCSO Act, 2012.**

-And-

In the matter of : Subhajit @ Shubhojit Mandal
... Petitioner(s)

Mr. Sandip Guha Roy
Mr. Biswajit Das

... for the petitioner(s)

Mr. A. S. Chakraborty, Id. APP
Mr. Aniruddha Biswas

... for the State

Mr. Ananda Paul

... for the defacto-complainant

Learned advocate for the petitioner submits that subsequent to the registration of the case being Bhaktinagar P.S. Case No. 134 of 2025, there has been change of circumstances and the petitioner as well as the defacto-complainant married each other.

Learned advocate for the State has produced the Case Diary.

I have considered the statement of the victim under Section 164 of the Cr.P.C. as well as the medical report.

Learned advocate for the defacto-complainant submits that the marriage has been solemnized and, *presently*, the petitioner and the defacto-complainant/victim are leading a conjugal life.

Be that as it may, having considered the statement under Section 164 of the Cr.P.C. of the victim, I am not inclined to enlarge the petitioner on anticipatory bail.

Accordingly, prayer for anticipatory bail of the petitioner is **Rejected**.

However, if the defacto-complainant intends to otherwise express her view, she would approach the investigating officer of the case who would advance further prayer for recording the statement of the defacto-complainant under section 164 of the Cr.P.C., thereafter, if the petitioner approaches the regular court for bail, the same may be considered by the regular court while considering the application for bail.

Accordingly, CRM(A) 390 of 2025 is dismissed.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

