

AD 20
February 12, 2026
Ct. 28
SG

Allowed

CRM(A) 94 of 2026

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Beldanga P.S. Case No.196 of 2023 dated 18.03.2023 under Section 376 of the IPC, 1860 and Section 6 of the POCSO Act, 2012.

And

In the matter of: *Kamal Sk @ Seikh* ... *petitioner*

Mr. Arnab Chatterjee
Mr. Avik Ghosh
Ms. Ankusha Ghosh

... for the petitioner

Ms. Zareen N. Khan
Mr. Arup Sarkar

... for the State

Mr. Somraj Dutta

... for the de facto complainant

Vakalatnama filed by the de facto complainant is taken on record.

Learned counsel for the petitioner submits that on 18.03.2023, the mother of the alleged victim lodged an FIR that her minor daughter, aged about 15 years, had been violated by her own father. The proceeding commenced and the father was arrested. Charges were framed in 2024. On 26.11.2025, during deposition the alleged victim tried to save her father and put blame on the present petitioner, who is merely a neighbour. The petitioner was added as an accused. A summon has been issued against him.

Learned counsel for the de facto complainant strongly opposes the prayer for anticipatory bail. As the victim was under pressure from the petitioner, she could not tell the truth earlier.

Learned counsel for the State opposes the prayer for anticipatory bail and submits that in the statement recorded before the learned Magistrate, the minor victim girl had categorically made allegations against her own father and described in a detailed manner the sexual assault committed upon her by her own father. Thereafter, she became pregnant and the foetus was terminated. During trial, on the particular day she resiled from her earlier statement and implicated the present petitioner.

If the victim had been under pressure from the petitioner, one wonders why then she implicated her father, of all persons.

Considering the above, the other materials available in the case diary and the fact that the minor victim girl had earlier implicated her father in vivid details in a statement recorded before the learned Magistrate, but resiled from the same and implicated the present petitioner during trial after a passage of about two years, I am inclined to grant anticipatory bail to the petitioner.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) with two sureties of like amount each, one of

whom must be local, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on the further conditions that the petitioner shall surrender before the jurisdictional court within four weeks from this date and pray for bail, attend the jurisdictional court regularly and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

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

(Jay Sengupta, J.)