

16.02.2026
Sl. No.25
Ct. 28
NB

C.R.M (A) 144 of 2026

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 the Kulpi PS Case No.369/2025 dated 20.09.2025 under Sections 329(4)/115(2)/76/79/3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Section 12 of the POCSO Act, 2012.

And

In the matter of: Rakesh Mistri

... petitioner

Mr. Dipankar Dandapath,
Mr. Bhaskar Seth,
Ms. N. Chaudhuri.
...for the petitioner.

Mr. Imran Ali,
Mr. Sourat Nandy.
...for the State.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in this case. There are case and counter case.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statements of the 16 year old victim girl and the statements of the neighbours and others. However, the injury report does not contain any external injury on the body and the neighbours have also not supported the prosecution case regarding attack on the victim girl.

Considering the above, the other materials available in the case diary and the fact that charge sheet has already been submitted, 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 not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever 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.

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.)