

05.03.2026
Sl. No.23
NB

CRM (A) 200 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 Rajabagan PS Case No.140/2025 dated 29.08.2025 under Sections 126(2)/351(2)/54 of the BNS, 2023 and Section 12 of the POCSO Act.

And

In the matter of: X & Ors.

... petitioners

Mr. Sagar Saha,
Mr. Manojit Debnath,
Ms. Nayana Mukhopadhyay.
...for the petitioners.

Ms. Sujata Das,
Mr. Sharequl Haque.
...for the State.

Mr. Apan Saha
...for the de facto complainant.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner nos.2 and 3 are the sons of the petitioner no.1, lady. The de facto complainant is the sister in law of the petitioner no.1. There is a property dispute between the private parties as regards partition of the same. In 2016, the petitioner no.1's husband lodged an FIR against the de facto complainant's husband and others in this regard. In 2024, the petitioner no.1 tried to install a meter. The other side prevented her. She had to approach this Court who allowed her to install the meter. In 2025, an earlier complaint was filed against the husband of the petitioner no.1 and others under Section 6 of the POCSO Act alleging that the present victim was sexually assaulted. The accused therein got anticipatory bail.

Thereafter, this false FIR has now being lodged trying to implicate the petitioners, somehow.

Learned counsel appearing on behalf of the de facto complainant opposes the prayer for anticipatory bail. He submits that on the earlier occasion, when the application for anticipatory bail was moved, the de facto complainant could not appear as service was not done properly.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. She relies on the statements of the Principal of the school where the 8 year old victim was studying. According to him, a lady and three persons came to the school to check the attendance register of the victim for a particular day. When he refused, they went out. They stood there in front of the school and when the minor victim girl went out, they accosted her and were seen saying something. She also refers to the statements of the minor victim girl implicating the present petitioners. The victim even stated that the assailants were trying to make videos of her. CCTV footage of the incident has been collected. She relies on the other statements of witnesses and the injury report of the victim.

Considering the above and the other incriminating materials available in the case diary, I do not consider this to be a fit case for granting anticipatory bail to the present petitioners.

The application for anticipatory bail of the petitioners is, thus, rejected.

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.)