

04.02.2026
Ct. No. 28
Sl. No.66
SG

C. R. M. (A) 191 of 2026

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kolaghat Police Station Case No.25 of 2022 dated 18.01.2022 under Sections 363/365 of the Indian Penal Code read with Section 6 of POCSO Act.

And

In Re: **XYZ**.

... .. Petitioner

Mr. Amit Ranjan Pati,
Mr. Sunayan Ghosh,
Ms. K. Kubra,
Ms. I. Nag.

... .. for the petitioner

Mr. Anupan Das Adhikari,
Mr. Parvej Anam.

... .. for the State

Ms. Swastika Chowdhury,
Mr. Sourav Gupta.

... .. for the victim

1. Learned counsel appearing on behalf of the petitioner submits as follows. The alleged survivor had a love affair with the petitioner and went away together. However, at the relevant time the victim was above 15 years old. When she attained the age of 18, the two got married and they are staying together happily as husband and wife.
2. Learned counsel on behalf of the alleged survivor supports such contentions of the petitioner and submits that the two are living together as a married couple and both are major at present.
3. Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statements of witnesses including that of the victim recorded before the learned Magistrate. Even in the earlier statement of the victim recorded before the learned Magistrate in the year 2022, she had stated that she left with the co-accused voluntarily and got married in a temple.

4. Considering the above, the material available in the case diary, the fact that at present both the petitioner and the alleged survivor claimed that they got married and they are living together as husband and wife and the fact that the charge sheet has already been submitted, I am inclined to grant anticipatory bail to the petitioner.

5. 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 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 further conditions that the petitioner shall surrender before the learned jurisdictional Court within four weeks from this date and pray for bail and shall attend the jurisdictional Court regularly and shall not threaten or intimidate witnesses.

6. The application for anticipatory bail is, thus, allowed.

7. Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)