

30.03.2026
Sl. No.13
Ct. 28
NB

C.R.M (A) 190 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 Palashipara PS Case No.0425/2025 dated 27.08.2025 under Sections 137(2)/140(3)/3(5) of the BNS, 2023 and sections 6/17 of POCSO Act and Sections 9/10/11 of Prohibition of Child Marriage Act, 2006.

And

In the matter of: XXX

... petitioner

Mr. Bibek Chatterjee,
Ms. Paramita Sahu,
Ms. Susmita Saha,
Mr. Mrinal Kanti Das.
...for the petitioner.

Mr. Debashis Roy Id.PP.,
Ms. Manisha Sharma,
Ms. Dhansree Biswas.
...for the State.

Mr. Tarapada Das.
...for the de facto complainant.

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

Learned counsel appearing on behalf of the petitioner submits as follows. As per the allegations, there was a relationship between the petitioner and the minor victim girl. In fact, the petitioner had married the minor victim in a temple.

Learned counsel appearing on behalf of the alleged victim strongly opposes the prayer for anticipatory bail. He submits that the statement made before the learned Magistrate was given under some pressure.

Learned Public Prosecutor representing the State opposes the prayer for anticipatory bail. However, he relies on the

statement of the victim made before the learned Magistrate, in which she had also stated that she had married the petitioner and that she was in the family way with the child of the petitioner.

This is a case where the victim had also made serious allegations against the Care Home, alleging that it was indulging in sexual exploitation of the inmates. However, in a subsequent statement, the minor victim girl denied such allegations. An FIR has already been registered, which is being looked into.

It appears that in her statement before the CWC, the alleged victim reiterated that the Home was not indulging in any such activities.

There are several contradictory statements given by the alleged victim at different points.

Considering the above, the other materials available in the case diary, the statement made by the alleged victim at the first point of time before the learned Magistrate, and the fact that charge sheet has already been submitted, although I am inclined to grant anticipatory bail to the present petitioner, his movement shall remain restricted for a limited period.

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 and shall stay outside the jurisdiction of Palashipara Police Station for a period of six months from this date except for meeting the Investigating Officer or attending the jurisdictional Court.

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.)