

18.02.2026
Sl. No.26
Ct. 28
NB

C.R.M (A) 248 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 Balurghat PS Case No.0867/2025 dated 27.12.2025 under Sections 109/115(2)/117(2)/126(2)/3(5)/329(4)/74 of BNS, 2023 with Section 8 of the POCSO Act.

And

In the matter of: XXX & Ors.

... petitioners

Mr. Amitava Ghosh.

...for the petitioners.

Mr. Saibal Bapuli,
Mr. Sujan Chatterjee.

...for the State.

Ms. Afreen Begum

...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 petitioners are the daughter in law, the son, the grandson, the married granddaughter and the neighbours of the de facto complainant. An offence was allegedly committed under the provisions of the POCSO Act against the granddaughter of the de facto complainant in the process. Actually, a fight took place between two groups of family members over property. No grievous injury was received. No sexual assault was committed. However, there are case and counter case.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail.

Learned Additional Public Prosecutor representing the State opposes the prayer for anticipatory bail. He refers to the statements of the victim and other witnesses and the injury report, which however, does not show infliction of any grievous injury. The victim girl also refused to undergo medical examination.

Considering the above, the other materials available in the case diary and the fact that there are case and counter case, I do not think that custodial interrogation of the petitioners is required in this case and I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 petitioners shall cooperate with the investigation and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and the petitioner nos. 2, 3 and 5 shall meet the Investigating Officer once a week till submission of report in final form.

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.)

