

AD 34
February 13, 2026
Ct. 28
SG

Allowed

CRM(A) 227 of 2026

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Illambazar P.S. Case No.446 of 2025 dated 24.12.2025 under Sections 79/351(2)/3(5) of the BNS, 2023 read with Section 12 of the POCSO Act, 2012.

And

In the matter of: *XXXX and another*

... petitioners

Mr. Saryati Datta
Mr. Sanjib Kumar Dan

... for the petitioners

Mr. Debabrata Chatterjee
Mr. Sarthak Mondal

... for the State

Mr. Priyabrata Batabyal

... for the de facto complainant

Learned counsel for the petitioners submits that the petitioner No.1 is the father of the petitioner No.2. The petitioner No.2 is aged about 17 years. Earlier, the same de facto complainant had lodged an FIR on 02.08.2025 alleging that his minor daughter was violated by the petitioner No.2. The petitioner No.1 was also made an accused. They were granted bail in that case. Afterwards, an allegation is being made that the petitioners are harassing and taunting the said victim. The present FIR was lodged on 24.12.2025, inter alia, under Section 12 of the POCSO Act.

Learned counsel for the de facto complainant strongly opposes the prayer for anticipatory bail and submits that it

has become difficult for the minor victim to come out of her residence in fear of the present petitioners.

Learned counsel for the State opposes the prayer for anticipatory bail, relies on the two case diaries and submits that in the earlier case, the victim had refused medical examination.

Considering the above and the other materials available in the case diary, although I am inclined to grant anticipatory bail to the petitioners, their movements need to be restricted for a limited period.

In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) each 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 the further conditions that the petitioners shall cooperate with the investigation, shall meet the investigating officer once a week till submission of report in final form, shall stay outside the jurisdiction of Illambazar Police Station for a period of six months except for meeting the investigating officer or attending the jurisdictional court and shall not threaten or intimidate witnesses. However, If the investigating officer finds that the petitioner No.2 is a

juvenile, he would not insist upon his attendance before him and would take appropriate measure.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)