

AD 12
March 11, 2026
Ct. 28
SG

Allowed

CRM(A) 292 of 2026

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Khanakul P.S. Case No.287 of 2025 dated 23.04.2025 under Sections 137(2)/140(3)/142/351(3)/64(2)(m)/64(2)(m)(f) of the BNS, 2023 adding Section 6(1)/17 of the POCSO Act, 2012 and Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006.

And

In the matter of: YYYY *and others* ... *petitioners*

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Ms. Labani Sikder
Mr. Souvik Dey ... for the petitioners

Mr. Saibal Bapuli, Id. APP
Ms. Snigdha Saha ... for the State

Learned counsel for the petitioners submits that the petitioner No.1 is the mother of the alleged victim and the de facto complainant in this case. The other petitioners are relatives of the alleged victim. As the victim had gone missing, the petitioner No.1 lodged the present FIR. Actually, the 17 year old victim had eloped with one Suman Das. She was subsequently recovered from Uttar Pradesh from the custody of the said Suman Das. After coming back, in order to take revenge, the victim alleged that the petitioners had sold her to one Avijit, who got married to her and thereafter raped her.

Learned Additional Public Prosecutor representing the State opposes the prayer for anticipatory bail, relies on the statement of the victim recorded before the learned Magistrate and submits that the alleged victim refused to

undergo medical examination. He also submits that there is no adverse report as such against the present petitioners as would be evident from the report submitted by the investigating agency.

Considering the above, the other materials available in the case diary and the fact that the alleged victim refused to undergo medical examination and that the charge-sheet has been submitted, 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.

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 surrender before the jurisdictional court within four weeks from this date and pray for bail, shall attend the jurisdictional court regularly and shall not threaten or intimidate witnesses.

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.)

