

25.02.2026
Court No.28
Item No.33
tbsr
Reject

CRM (A) 419 of 2026

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973/Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Kultali** P.S. Case No.**381 of 2023** dated **06.06.2023** under Sections **363/365** of the IPC, Section 6/17 of POCSO Act.

And

In the matter of: **Petitioner**

....Petitioner.

Mr. Sabyasachi Chatterjee
Mr. Debabrata Mondal
Mr. Akashdeep Mukherjee
Mr. Badrul Karim
Mr. Kiron Sk.

...for the petitioner.

Mr. Saibal Bapuli, Id. APP
Mr. Prakash Mishra
.....for the State.

Mr. Sagnik Roy Chowhdury
Mr. Trijit Mitra
....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. The petitioner is the husband of the victim. He has been falsely implicated in this case.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He submits that no valid marriage took place between the private parties. At the date of occurrence, the victim was minor girl of 15 years. She was kidnapped by the petitioner and thereafter sexually assaulted.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He submits that this is a matter of 2023 and the petitioner has remained absconding since then. He relies on

the statements of witnesses including that of the minor victim recorded before the learned Magistrate. He also refers to the medical examination.

Considering the above fact, the other incriminating materials available in the case diary and the fact that the petitioner has been absconding since 2023, I do not consider this to be a fit case for granting anticipatory bail.

The application for anticipatory bail is, thus, rejected.

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.)