

23.02.2026
Court No.28
Item No.21
ssi

CRM (A) 296 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Malda Police Station Case No.**824 of 2025** dated **27.11.2025** under Sections **117 (2)/109(1) of the BNS 2023** read with **Section 6 of the Protection of Children from Sexual Offences Act and Sections 9/10 of the Prohibition of Child Marriage Act.**

And

In the matter of: **Petitioner .**

.... Petitioner.

Md. Wasim Akram

...for the petitioner

Mr. Saibal Bapuli, Ld. APP

Mr. Mujibar Ali Naskar

..for the State

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 in question. The marriage took place under the personal law in 2018. In 2022, a son was born. In 2023, the alleged victim left with another person leaving the child behind. A missing diary was lodged. However, in 2025, she lodged the present false FIR alleging offence under the POCSO Act.

Learned Additional Public Prosecutor representing the State opposes the prayer for anticipatory bail. However, he submits that as per the victim's statement, she started this case to get back the child. She has put the blame on the learned advocate for filing the case. She has refused to undergo medical examination.

Considering the above and the other materials available in the case diary, I am inclined to grant anticipatory bail to the petitioner.

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 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 further conditions that the petitioner shall co-operate with the investigation and shall not threaten or intimidate the witnesses. The petitioner shall meet the Investigating Officer once a fortnight till submission of report in final form.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)