

26.02.2026
Court No.28
Item No.5
tbsr
Allowed

CRM (A) 332 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Samsherganj** P.S. Case No.**902 of 2025** dated **11.09.2025** under Sections **137(2)** of the BNS, 2023 charge sheet under Section 6 of Protection of Children from Sexual Offences Act, read with Section 137(2) of the BNS, 2023.

And

In the matter of: **Hedaitul Islam**

....Petitioner

Mr. Mrityunjoy Chatterjee
Mr. A. Mondal

....for the petitioner

Mr. Bitasok Banerjee
Md. Ejaz Akhtar

....for the State

Mr. Arindam Poali

....for the de facto complainant

It appears that an inadvertent typographical error had crept into the order dated 18.02.2026 passed by this Court.

At the 5th line of the order sheet instead of “26.03.2026”, it should actually be “26.02.2026”.

The said inadvertent typographical error is hereby corrected and the order dated 18.02.2026 shall always be read conjointly with this order.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the step-father of the alleged victim girl. Earlier the victim girl had eloped with the boy on few occasions in 2024 and 2025. The FIR No. 331 was one such case that was lodged for the victim going missing earlier. This time also the victim had left with the boy. However, after recovery of the victim girl, in her

statement before the learned Magistrate a different story was foisted by the alleged survivor implicating the present petitioner with allegations of sexually assault. The victim girl although still a minor being aged about seventeen and half years, is staying with the boy friend in the State of Jharkhand.

Learned counsel appearing on behalf of the de facto complainant mother submits that she does not have any objection if anticipatory bail is garneted to the petitioner.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. However, the alleged victim had refused to undergo medical examination in this case.

While the petitioner claims that the victim was staying with the boyfriend, her statement before the learned Magistrate would show that she was staying at her paternal uncle's place.

From the recovery memo, it appears that the victim was recovered from a village without mentioning the exact place where she was recovered from. This is faulty investigation, possibly in an attempt to shield someone.

Be that as it may, considering the materials available in the case diary, the earlier disappearance of the girl, the fact that the alleged survivor refused to undergo medical examination and the fact that charge sheet has been submitted, 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 condition that the petitioner shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date and shall attend the jurisdictional Court regularly and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

The presence of the Investigating Officer is noted and is dispensed with.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)