

20.02.2026
Sl. No.49
Ct. 28
NB

C.R.M (A) 339 of 2026

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Mothabari PS Case No.395/2025 dated 18.05.2025 under Sections 137(2)/140(3) of the Bharatiya Nyaya Sanhita, 2023 and Section 6 of the POCSO Act.

And

In the matter of: Mukul Sekh @ Tunam ... petitioner

Mr. Arup Kumar Bhowmick.
...for the petitioner.

Mr. Sanjay Banerjee,
Ms. Sana Naaz.
...for the State.

Leave is granted to the learned advocate on record for the petitioner to correct the cause title.

Learned counsel appearing on behalf of the petitioner submits as follows. There was a love affair between the 15 years old girl and the 21 years old boy. WhatsApp chats, copies of which have been annexed in the petition reveal the same.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the victim's statements made before the learned Magistrate, which implicates the petitioner and other statements of witnesses. However, the victim girl refused to undergo medical examination.

Considering the above and the other materials available in the case diary, the fact that the alleged victim refused to undergo medical examination and the fact that charge sheet has already been submitted, I am inclined to grant anticipatory bail to the present petitioner.

Accordingly, 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date and shall attend the jurisdictional Court regularly.

The application for anticipatory bail is, thus, disposed of.

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.)