

10/04/2026
D/L – 35
Court No.28
S. Kundu
Allowed

C.R.M.(A) 380 of 2026

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Baishnabnagar P.S case no. 960 of 2024 dated 10/09/2024 under Sections 137(2)/140(3)/115(2)/3(5) of the BNS read with Section 4 of the POCSO Act.

In the matter of: XXX

...Petitioner.

Mr. Md. Wasim Akram
Ms. S. Parveen

...for the petitioner.

Ms. Reshmi Khatun

...for the victim.

Mr. Sanjay Banerjee
Mr. Sufi Kamal

...for the State.

1. Report filed on behalf of the State is taken on record.
2. Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner and the alleged victim had a romantic relationship. Due to some misunderstanding, an FIR was registered. Now, both the petitioner and the alleged victim are adults. They have got married and are staying together.
3. Learned counsel appearing on behalf of the alleged victim submits that due to some misunderstanding, an FIR had been lodged by the father of the victim. Now, both are adults. They have got married and the alleged victim is staying at her in-laws place, although the petitioner/husband has been out on work.

4. Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. However, he relies on the statements of the witnesses including that of the victim made before the learned Magistrate. He also submits that the medical examination was refused by the alleged victim. Although the victim implicated the petitioner in the earlier statement before the learned Magistrate, in the subsequent statement, she claimed that the FIR was lodged by mistake. She stated that she got married to the petitioner and was staying at the in-law's place.
5. Considering the above, especially the subsequent statement of the victim, the fact that she had denied to undergo medical examination and the fact that charge sheet has been submitted, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the petitioner.
6. In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 further conditions that the petitioner shall not threaten or intimidate the witnesses. The petitioner shall surrender before the learned jurisdictional Court and pray for bail within four weeks from date and regularly attend the jurisdictional Court.
7. Accordingly, the application for anticipatory bail is allowed.

8. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)