

23/02/2026
D/L – 31
Court No.28
S. Kundu
Allowed

C.R.M.(A) 388 of 2026

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Mahisadal P.S case no. 5 of 2026 dated 3/1/2026 under sections 115(2)/117(2)/126(2)/3(5)/329(3)/351(2) of the BNS read with Section 12 of the POCSO Act.

In the matter of: XXX & Ors.

...Petitioners.

Md. Abdur Rakib
Mr. Biswajit Sarkar
Mr. Mojahid Mehedi

...for the petitioners.

Mr. Pravas Bhattacharyya
Mr. S. Sarkar

...for the State.

1. Report filed on behalf of the State is taken on record.
2. Despite service no one appears on behalf of the alleged victim.
3. Learned counsel appearing for the petitioners submits as follows. On 19/9/2025 a dispute arose between the two families over distribution of water under a scheme. The wife of the petitioner no. 1 lodged an FIR over this on 21/9/2025. The present de-facto complainant was arrested and was granted bail on 8/10/2025. Thereafter on 3/1/2025 he lodged the FIR after obtaining a direction from the learned Magistrate alleging that the present offences took place on the same day.
4. Learned counsel appearing for the State opposes the prayer for anticipatory bail. She relies on the statements

of the victim and the other witnesses and the injury report.

5. Considering the above, the other materials available in the case diary and the fact that there was a delay in lodging the FIR and there are case and the counter case over the said incident that took place on the particular day, I do not think that custodial interrogation of the petitioners is required in this case and I am inclined to grant anticipatory bail to the petitioners.
6. In the event of arrest, the petitioners 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 petitioners shall cooperate with the investigation and shall not threaten or intimidate the witnesses. The petitioners shall meet the Investigating Officer once a week till submission of report in final form.
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.)