

21.04.2026
Sl. No.46
Ct. 28
NB

C.R.M (A) 518 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 Chanchal PS Case No.970/2025 dated 25.07.2025 under Sections 137(2)/140(3)/3(5) of the BNS, 2023 read with Section 6 of POCSO Act.

And

In the matter of: Muktab Ali @ Muktab A Alam & Ors.

... petitioners

Mr. Joydeep Biswas,
Mr. Amanul Islam,
Mr. Arup SARKar,
Mr. Kaushik Ghosh,
Mr. Sourav Mukherjee,
Mr. Mehedi Masud.

...for the petitioners.

Mr. Partha Pratim Das,
Ms. Srilekha Chattopadhyay.
...for the State.

Mr. Tirthankar Dhali,
Md. Nadeem,
Mr. Rejwan Alil,
Mr. Mir Md. Minhaj,
Mr. R. Islam.

...for the de facto complainant.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner nos.2, 3 and 4 are the relatives of the petitioner no.1, while the petitioner no.5 is the driver of the vehicle in question. In the present case, it is alleged that when the 17 year old victim girl was collecting jute leaves to feed her goat, the petitioners and others abducted her. Thereafter allegedly she was sexually assaulted. In an earlier case, it had been alleged that the victim had been abducted by the present petitioners. However,

it was later found that the petitioner no.1 and the alleged victim had eloped together, and a final report was submitted in the said case.

Learned counsel appearing on behalf of the de facto complainant, upon instruction, submits that he would have no objection if an anticipatory bail is granted to the present petitioners.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statement of the victim recorded before the learned Magistrate and other materials on record. However, medical examination has been refused by the alleged victim.

Considering the above, the other materials available in the case diary, the fact that an earlier case had ended in submission of a report in final form and the fact that the alleged victim refused to undergo medical examination in the present case, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, 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 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 petitioners shall cooperate with the investigation and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and the petitioner no.1 shall meet the Investigating Officer once a fortnight till submission of report in final form.

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.)