

27/02/2026
D/L – 36
Court No.28
S. Kundu
Allowed

C.R.M.(A) 510 of 2026

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Belghoria P.S case no. 38 of 2026 dated 29/1/2026 under Section 9 of the Prohibition of Child Marriage Act read with Section 6 of the POCSO Act.

In the matter of: XXX

...Petitioner.

Mr. Siddhartha Sarkar
Mr. Akash Ghosh
Mr. Sourav Gupta

...for the petitioner.

Mr. Amit Ranjan Pati
Ms. Swastika Chowdhury
Ms. Ilika Nag
Mr. Avijit Chatterjee

...for the victim.

Mr. Imran Ali
Md. Ejej Akhter

...for the State.

1. Learned counsel appearing for the petitioner submits that the petitioner is the husband of the alleged survivor. It is true that the social marriage took place when the petitioner was 20 years and the alleged victim was a little less than 17 years. The FIR was lodged through a doctor's note after the alleged survivor had gone to the hospital for an abortion.
2. Learned counsel appearing for the de-facto complainant supports the contention of the petitioner and submits that the abortion was required as there was a defect in the foetus.

3. Learned counsel appearing for the State opposes the prayer for anticipatory bail. He relies on the statement of the victim recorded before the learned Magistrate and the statements of other witnesses.
4. From the statement of the victim, it appears that she had gone to the hospital for abortion as the foetus was suffering from some defect.
5. It appears to be a case of adolescent love and the private parties admit that they are living together as husband and wife.
6. Considering the above and the other materials available in the case diary, 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.
7. 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 cooperate with the investigation and shall not threaten or intimidate the witnesses. The petitioner shall meet the Investigating Officer once a fortnight till submission of report in final form.
8. Accordingly, the application for anticipatory bail is allowed.

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

(Jay Sengupta, J.)