

01.04.2026
Court No.28
Item No.40
tbsr
Reject

CRM (A) 538 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Raninagar** P.S. Case No.**236 of 2024** dated **03.09.2024** under Sections **318(2)/64/115(2)/124/109/76/3(5)** of the Bharatiya Nyaya Sanhita and Section 6 of the Protection of Children from Sexual Offences Act.

And

In the matter of: Mubarak Sk. @ Mubarak Seikh & Ors.

....Petitioners.

Mr. Jisan Iqubal Hossain

...for the petitioners

Md. Anowar Hossain

Mr. Nirupam Dhali

... for the State

Ms. Minati Gomes

....for the de facto complainant

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The disputes between the private parties have all been settled and the petitioner no. 1 has got married to the alleged victim. The other petitioners are only the relatives of the principal accused, being the petitioner no. 1.

Learned counsel appearing on behalf of the de facto complainant submits that a settlement has been arrived at between the private parties and the parties have agreed to have marriage between the petitioner no. 1 and the alleged victim instituted when both attain majority.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. He submits that in the subsequent statement, the minor victim only stated that there was a

misunderstanding and a trial/salish was done in the village. The petitioner does not want to proceed with the case. Proclamation has been issued against all the accused.

However, in her earlier statement, recorded before the learned Magistrate, she had categorically stated that although she had a romantic relationship with the principal accused for two years, on a particular day, he came to her house and forcibly raped her. After that, when the minor victim went to his house to inform the relatives about this, his relatives assaulted her, disrobed her and poured acid in her mouth. She had to be hospitalized. A discharge certificate of the victim present in the case diary records that there was an acid ingestion due to physical assault.

This is a case where an alleged rape and acid attack victim has been shown to have compromised the matter with the alleged accused.

This Court is not going to pay much credence to such an alleged compromise. Otherwise, it will amount to encouraging obnoxious malpractices of winning over witnesses, paying blood money and the like. Such heinous offences are crimes against the State and are not of a private nature, which can be compromised or settled.

Considering the above, the other incriminating materials available in the case diary and the fact that proclamation had been issued against the petitioners, I do not consider this to be a fit case for granting anticipatory bail.

The application for anticipatory bail is, thus, rejected.

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.)