

07.04.2026
Court No.28
Item No.55
tbsr
Allowed

CRM (A) 553 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Islampur** P.S. Case No.**24 of 2026** dated **08.01.2026** under Sections **126(2)/115(2)/351(3)/3(5)** of the BNS, 2023, r/w Section 4 of Protection of Children From Sexual Offences Act, 2012 .

And

In the matter of: Noor Nishar @ Nur Niar & Anr.

....Petitioners.

Mr. Sourav Mondal
Ms. Farheen Rais

....for the petitioners

Mr. Imran Ali
Ms. Dhanashree Biswas

....for the State

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the mother and the cousin brother of the principal accused. Earlier, the brother of the victim girl lodged a case being Islampur P.S. Case No. 1222 of 2025 dated 06.12.2025 alleging that the victim had gone missing. A final report was filed in respect of the said case. The victim in her statement, claimed that she had gone to stay at some relative's place. Subsequently, over the same incident, showing the date of occurrence as 04.12.2025 in the written complaint, an FIR was lodged by the father of the alleged victim, being Islampur P.S. Case No. 24 of 2026 dated 08.01.2026. It was alleged therein that the son of the petitioner no. 1 was having a relationship with the alleged victim; he took her to his house and raped her, thereafter the other accused threatened her not to disclose about the incident in front of others. The petitioners have been falsely implicated in this case. There are different stands taken the alleged victim at different points of time.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statement of the victim as well as statements of other witnesses and the medical report. He also produces the earlier case culminating in a final report and refers to the statement of victim present in the FIR.

Considering the above and the other materials available in the case diaries, the fact that the petitioners are not the principal accused in this case and the fact that charge sheet has been submitted, I am inclined to grant anticipatory bail to the petitioners.

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 the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioners shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date and regularly attend the jurisdictional Court and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)