

06.03.2026
Court No.28
Item No. 38
tbsr
Allowed

CRM (A) 573 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Chatterjeehat** P.S. Case No.**288 of 2025** dated **27.12.2025** under Sections **329(4)/126(2)/115(2)/74/3(5)** of the BNS, 2023 and Section 8/12 of POCSO Act, 2013.

And

In the matter of: **Amit Panja & Ors.**

....Petitioners

Mr. Soubhik Mitter
Ms. Tanushree Kar
Mr. Sagnik Bhattacharya
....for the petitioners

Ms. Anasuya Sinha, Id. APP
Mr. Dipankar Paramanick
....for the State

Mr. Subhamay Bhattacharya
Mr. Shankar Mukherjee
Mr. S. Banerjee
....for the de facto complainant

Leave is granted to amend the cause title.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner nos. 2 and 3 are the sons of the petitioner nos. 1 and 5, while the petitioner no. 4 is their aunt. The petitioners had purchased a property in lieu of development of another property in Howrah. They also purchased another flat being flat no. 102 at the said building. The de facto complainant happens to be an advocate of the Howrah Court. He also wanted to purchase the said flat being flat no. 102. There was a dispute in this regard. On the particular day, there was an altercation that took place between the members of the two families. An FIR was lodged. The petitioners complied with the notices issue under Section 35(3) of the BNSS. After about 47

days from the registration of the FIR, allegations were levelled by the 17 year old daughter of the de facto complainant and a prayer was made to add certain provisions of the POCSO Act. The de facto complainant and his family members are now trying to give a false and more serious version of the alleged incident.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He submits that the flat in question was actually purchased by the de facto complainant. At the time of lodging of the FIR, the victim could not disclose certain other events that had taken place during the transactions.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. She relies on the statements of the victim recorded before the learned Magistrate, the FIR and the other statements of witnesses and the injury reports.

Considering the above, the fact that there is a dispute regarding ownership/possession of a flat, the further fact that the allegations regarding sexual assault on the 17 year old girl was not mentioned in the FIR lodged promptly after the incident and that the same is being levelled after passage of a considerable period of time, 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.

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 cooperate with investigation, shall not threaten or intimidate witnesses and petitioner nos. 1, 2 and 3 shall meet the I.O. once a fortnight till submission of report in final form.

The application for anticipatory bail is, thus, allowed.

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.)