

09.03.2026
Sl. No.63
Ct. 28
NB

C.R.M (A) 594 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 Kharagpur (Local) PS Case No.354/2025 dated 17.04.2025 under Sections 329(4)/75(2)/115(2)/351(2)/76/3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Section 10 of the Protection of Child from Sexual Offences Act, 2012.

And

In the matter of: XXX

... petitioner

Mr. Sunayan Ghosh,
Mr. Avijit Chatterjee.
...for the petitioner.

Ms. Sonali Das,
Ms. Debjani Sahu.
...for the State.

Ms. Swastika Chowdhury
...for the victim.

Learned counsel appearing on behalf of the petitioner submits as follows. The wife of the present petitioner had lodged a case under the POCSO Act against the present de facto complainant and his relations. After those accused got anticipatory bail and after about a delay of one year, the present case was registered as a counterblast. However, the matter has been settled between the parties.

Learned counsel appearing on behalf of the de facto complainant submits that the disputes between the private parties have now been settled.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. She relies on the

statements of the 16 years old victim and the other statements contained in the case diary. Charge sheet has been submitted.

The case under the POCSO Act of this nature is hardly one which can be settled by and between the private parties.

However, considering the materials available in the case diary, the fact that there is a prior case with similar allegations started by the other side and the fact that charge sheet has already been submitted, I am inclined to grant anticipatory bail to the present petitioner.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 petitioner shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date and shall regularly attend the jurisdictional Court.

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.)