

21.04.2026
Court No.28
Item No.63
ssi

CRM (A) 796 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Malda Police Station Case No. 567 of 2025 dated 13.08.2025 under Sections 137 (2)/ 140(3)/ 3 (5) of the BNS 2023 subsequently Section 6 of the POCSO Act.

And

In the matter of: **Mamun Ali @ Mamon Ali.**

.... Petitioner

Mr. Tapan Dutta Gupta
Mr. Parvej Anam
Ms. Rituparna Ghosh

...for the petitioner

Mr. Debabrata Chatterjee
Mr. Karan Bapuli

..for the State

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

Despite service, no one appears on behalf of the de facto complainant.

Learned counsel appearing on behalf of the petitioner submits that the petitioner had a romantic relationship with the alleged victim. He has been falsely implicated in this case.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statements of witnesses including that of the victim recorded before the learned Magistrate and the medical report. Although, in her statement before the learned Magistrate, the alleged victim stated that she had left her home voluntary and went to a friend's house, in the statement made before the examining doctor, she stated that she had eloped with her boy friend. She had refused to undergo medical examination. However,

she subsequently gave a statement before the police that the connotation of the term 'friend' used in her statement before the learned Magistrate referred to the present petitioner.

Considering the above, the other materials available in the case diary and the fact that medical examination was refused by the alleged victim, I am inclined to grant anticipatory bail to the petitioner.

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 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 conditions that the petitioner shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date. The petitioner shall not threaten or intimidate the witnesses.

The application for anticipatory bail is, thus, disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)