

11.06.2026
Court No.28
Item No.11
tbsr
Allowed

CRM (A) 699 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Duttapukur** P.S. Case No.**13 of 2026** dated **05.01.2026** under Sections **64(2)(m)** of the BNS, 2023 read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 read with Section 9 of the prohibition of Child Marriage Act.

And

In the matter of: XYZ

....Petitioner.

Mr. Mrinmay Nandy
Mr. Tanuj Biswas
....for the petitioner.

Mr. Somnath Adhikary
....for the State.

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

Despite service, on one appears on behalf of the alleged victim.

Despite earlier service of notice by the petitioner, no one appears on behalf of the de facto complainant/NGO either.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the husband of the victim girl. The petitioner is absolutely innocent. Under a misconception, the present FIR was lodged by an NGO.

Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for anticipatory bail. However, he submits that the statement of the 16 year old victim girl recorded before the learned Magistrate clearly states that she had fallen in love with the petitioner and had got married to him. The two are having a

child. Moreover, the alleged victim refused to undergo medical examination.

Considering the above, the exceptional circumstances in which the alleged victim categorically stated that she had got married to the present petitioner and was having a child with him and the other materials available in the case diary, I do not think that custodial interrogation of the petitioner is required in this case and 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 condition that the petitioner shall cooperate with investigation, shall not threaten or intimidate witnesses and 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 copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)