

07.04.2026
Court No.28
Item No.10
ssi

CRM (A) 760 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Kolaghat Police Station Case No.306 dated **13.07.2025** under Sections **363/365/34 IPC and charge sheet under Section 323/34 of the Indian Penal Code and Section 10** of the Prohibition of Child Marriage Act.

And

In the matter of: **XXX & another.**

.... Petitioners

Md. Sabir Ahmed
Mr. Bhaskar Hutait

...for the petitioners

Ms. Sreyashee Biswas
Ms. Jonaki Saha

...for the State

Dr. Siddhartha Goswami
Mr. Soumyadeep Das
Ms. Upasana Shaw

..for the de facto

Leave is granted to amend the cause title.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the parents of the principal accused in this case. Although the marriage between the principal accused and the alleged victim took place in the year 2022, the present FIR was lodged by the mother of the alleged victim only on 13.07.2025. The allegations under the POCSO Act are only against the principal accused. Charge sheet has been submitted. The petitioner no.1 is suffering from neurocysticercosis.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He submits that there is an allegation of making of an indecent proposal to the minor victim girl by the father in law.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. She refers to the statements of witnesses including that of the victim recorded before the learned Magistrate, and the medical report.

It is indeed surprising that the charge sheet has been submitted without giving due consideration to the statement of the victim recorded before the learned Magistrate, wherein she alleged that the petitioner no.1 had made an indecent proposal to her.

However, considering the above, the other materials available in the case diary, the delay in lodging the FIR, the fact that the principal accused, being the son of the petitioners, was arrested and thereafter granted bail and the fact that charge sheet has been submitted, 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 conditions that the petitioners shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date and shall attend the jurisdictional Court regularly. The petitioners shall not threaten or intimidate the witnesses.

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

The presence of the I.O. is noted and is dispensed with.

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

(Jay Sengupta, J.)