

10.04.2026
Sl. No.45
Ct. 28
NB

C.R.M (A) 742 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 Bhagwangola PS Case No.168/2025 dated 10.04.2025 under Sections 137/140(3) of BNS, 2023 with added Section 65(1) of BNS, 2023 and Section 6 of POCSO Act corresponding to POCSO Case No.66 of 2025.

And

In the matter of: XXX

... petitioner

Mr. Debapriya Samanta,
Mr. Raktim Siddhanta,
Ms. Tiya Singh Roy,
Mr. Sabyasachi Howlader.
...for the petitioner.

Mr. Aniket Mitra,
Ms. Manasi Roy.
...for the State.

Mr. Navanil De,
Mr. Shoumilya Mazumder.
...for the de facto complainant.

Learned counsel appearing on behalf of the petitioner submits as follows. The victim girl was acquainted with the present petitioner. But, although a minor, she was forcibly given in marriage by her father to the opposite party no.3. She fled away to the petitioner in Chennai. The petitioner, thereafter, handed over the girl to her parents. He lodged a complaint before the police. However, the father of the victim girl again got her married off to the same opposite party no.3.

Learned counsel appearing on behalf of the de facto complainant opposes the prayer for anticipatory bail.

Learned counsel appearing on behalf of the State also opposes the prayer for anticipatory bail. He refers to the statement of the 16 year old victim girl. In her statement, the alleged survivor stated that the petitioner used to like her. However, one day, the petitioner and others kidnapped her. First, he took her to Howrah Station and then to Chennai, kept her at the company where he was working and there she was sexually assaulted. However, after hearing about the case started by the petitioner's mother, the petitioner arranged to send her back to the concerned police station. He also relies on the medical papers and the statements of witnesses. Charge sheet has been submitted.

Considering the above, the other materials available in the case diary, the fact that the petitioner was taken from one place to another without much of a perceptible protest, that she was finally handed over at the police station by the petitioner himself and the fact that a 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.

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.)