

10/04/2026
D/L – 58
Court No.28
S. Kundu
Allowed

C.R.M.(A) 819 of 2026

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Debra P.S case no. 522 of 2025 dated 29/07/2025 under Sections 137(2)/140(3)/3(5) of the BNS.

In the matter of: Susmita Bose Bag @ Susmita Bag @ Sumi Bag

...Petitioner.

Mr. Nandadulal Bandyopadhyay

...for the petitioner.

Mr. Saibal Bapuli

Ms. Arani Bhattacharyya

...for the State.

1. Learned counsel appearing on behalf of the petitioner submits as follows. This is a second application for anticipatory bail filed due to material change in circumstance. Earlier, the petitioner's prayer for anticipatory bail was rejected on 05/01/2026 in CRM (A) 4067 of 2025. The rejection was on the ground that the minor victim had not been recovered till then. However, subsequently, the minor victim has been recovered and she made a statement before the learned Magistrate exonerating the accused.
2. Learned counsel appearing on behalf of the State submits that in a subsequent statement of the victim girl recorded before the learned Magistrate, she has categorically stated that she had left the Home of her own volition. Nobody had threatened or forced her to do so. She did not want to stay at the Home. She also refused to undergo medical

examination but according to the doctor's opinion she was six months in the family way.

3. Considering the above, I am of the view that there is material change in circumstance so as to entertain the second application for anticipatory bail and considering the materials available in the case diary including the statement of the victim recorded before the learned Magistrate, I am inclined to grant anticipatory bail to the petitioner.
4. In the event of arrest, the petitioner 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 further conditions that the petitioner shall cooperate with the investigation and shall not threaten or intimidate the witnesses.
5. Accordingly, the application for anticipatory bail is allowed.
6. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)