

11.05.2026
Court No.28
Item No. 55
tbsr
Allowed

CRM (A) 1300 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Nabadwip** P.S. Case No.**815 of 2025** dated **15.11.2025** under Sections **109/115(2)/117(2)/126(2)/351(2)/74/3(5)** of the BNS, 2023 and Section 8 of POCSO Act.

OAnd

In the matter of: Masto Sk. @ Mustafa Sk.

....Petitioner.

Ms. Karabi Roy
...for the petitioner

Mr. Krishnendu Bhattacharya
.... Amicus

Affidavit of service filed on behalf of the petitioner is taken on record. The same is kept in a sealed cover.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The FIR was lodged after about 11 months from the alleged date of occurrence. The said complaint was filed by moving an application before the learned Magistrate. Earlier, the mother of the petitioner had filed a complaint against other side. The petitioner has been falsely implicated in this case.

Learned Amicus appearing to assist the State relies on the case diary and opposes the prayer for anticipatory bail. He relies on the statement of the alleged victim and the medical report. Although the medical report suggests some injury, the examination was done on 26.11.2025, more than eleven months after the alleged date of

occurrence. Moreover, in the FIR there is no allegation of penetrative sexual assault.

Considering the above, the other materials available in the case diary and the fact that there was a delay of about eleven months in lodging the FIR, 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 meet the I.O. once a week till submission of report in final form and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

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.)