

18.05.2026
Court No.28
Item No.53
tbsr
Allowed

CRM (A) 1264 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Kotwali** P.S. Case No.**281 of 2026** dated **16.03.2026** under Sections **126(2)/74/115(2)/351(2)/3(5)** of the BNS, 2023 and Section 12 of the Protection of Children From Sexual Offence Act, 2012.

And

In the matter of: Arup Kumar Sarkar

....Petitioner.

Mr. Sumanta Das
...for the petitioner.

Mr. Somnath Adhikary
.....Amicus.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a student. He has been falsely implicated in this case. Even as per the allegations contained in the FIR, he was present only when the principal accused accosted the alleged victim. However, he was not at all present at the time of commission of the alleged offence by the principal accused. The principal accused was arrested.

Learned Amicus assisting the State relies on the case diary and opposes the prayer for anticipatory bail. He relies on the FIR, the statement of the victim recorded before the learned Magistrate, the other statements of witnesses and the medico-legal examination report. The medico-legal examination report mentions the details of the particular incident and names only the principal accused.

Considering the above, the other materials available in the case diary, the alleged role ascribed to the present petitioner and the fact that the principal accused has been arrested, 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, however, by limiting his movement for a particular period.

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, shall not threaten or intimidate witnesses and shall stay outside the jurisdiction of Kotwali P.S. for a period of three months except for meeting the Investigating Officer or attending the jurisdictional Court.

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.)