

19.06.2026
Sl. No.15
Ct. 28
NB

C.R.M (A) 1343 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 Topsis PS FIR No.178 dated 30.12.2025 under Sections 64(1)/61(2) of the BNS, 2023 read with Section 6 of the POCSO Act, 2012 and Section 9 of the Prohibition of Child Marriage Act, 2006.

And

In the matter of: XXX

... petitioner

Mr. Md. Malik Uddin,
Mr. Manojit Chattopadhyaya,
Md. Intekhab Uddin.
...for the petitioner.

Mr. Imtiaz Ahmed,
Ms. Ghazala Firdaus,
Mr. Sk. Saidullah,
Mr. Mithun Mondal,
Mr. Md. Arsalan.
...for the de facto complainant.

Mr. Krishnendu Bhattacharya,
....for the State.

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. A strange allegation has been levelled against the petitioner that three years ago, the victim was forcibly given in marriage with the petitioner and thereafter, off and on, she would be taken to their house, made to work and often to have physical relationship. It is denied that there is any kind of marriage between the petitioner and the alleged victim.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He supports the allegation made in the FIR and in the statement before the learned Magistrate.

Learned Additional Public Prosecutor representing the State relies on the case diary and opposes the prayer for anticipatory bail. He refers to the FIR, the statement of the 16 year old girl and the statements of other witnesses. He also refers to the medico legal examination report. The contention of the victim was that the parents of the victim had forcibly got her married to the petitioner, her own cousin brother. Off and on she would be taken to their house to work or to have physical relationship with the petitioner. There are statements of witnesses who had attended the purported marriage.

Considering the above and the other incriminating materials available in the case diary, I do not consider this to be a fit case for granting anticipatory bail to the present petitioner.

The application for anticipatory bail of the petitioner is, thus, rejected.

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.)