

17.06.2026  
SL.23  
Ct.No.28  
NB

**CRM (A) 1424 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 Berhampore P.S. Case No.401 of 2025 dated 24.02.2025 under Sections 126(2)/351(2) of the BNS, 2023 read with Section 10 of the POCSO Act, 2012.

And

In the matter of: Shibani Saha Dey @ Shibani Saha  
... petitioner

Mr. Koustav Bagchi,  
Mr. Debayan Ghosh,  
Ms. Priti Kar Bagchi.  
...for the petitioner.

Mr. Krishnendu Bhattacharya Id.APP.,  
Mr. Utsav Dutta.  
...for the State.

No one appears on behalf of the de facto complainant despite service of notice by the petitioner as well as through the Investigating Officer.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was a supporter and active worker of the Indian National Congress. Because of this, she developed an animus with the Chairman of the Berhampore Municipality who belonged to the All India Trinamul Congress party. The petitioner has been harassed at workplace. There was a notice given earlier stopping her salary. This was challenged before this Court. An order was passed, which has been carried to Appeal by the Municipality. The same has now been dismissed. As the said Chairman could not make any headway with these, the present false FIR was registered at his

behest alleging sexual assault on a minor boy. Similar had been the fate of another supporter of the Indian National Congress, who had a similar bad blood with the Chairman of the Municipality. Similar complaint of alleging sexual assault of a minor boy was leveled against the said employee of the Municipality. The petitioner has not committed any offences alleged and has only been victimized at the behest of the said Chairman. The petitioner has complied with the notice issued under Section 35(3) of the BNSS.

Learned Additional Public Prosecutor representing the State relies on the case diary and opposes the prayer for anticipatory bail. He relies on the statement of an 11 year old victim boy as well as other statements of witnesses and other materials available in the case diary. However, he submits that the petitioner has complied with the notice issued by the Investigating Agency. Charge sheet has been submitted.

It is indeed very surprising and could even be a coincidence that two female staff of schools under the same Municipality were charged with sexually assaulting the minor boys and both claimed that they had a bad blood with the Chairman of the Municipality. Incidentally, the FIRs were preceded by favourable orders of this Court in writ proceedings initiated by the petitioner.

However, considering the above, the other materials available in the case diary, the fact that the petitioner has cooperated with the investigation by responding to the notice issued by the Investigating Agency and the fact that charge sheet has 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 petitioners shall not threaten or intimidate witnesses or tamper with evidence and shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date and shall regularly attend the jurisdictional Court the petitioner shall not go within the perimeter of 100 metres of the residence of the alleged victim for a period of four months 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.)**