

16.06.2026
Sl. No.41
Ct. 28
NB

C.R.M (A) 1466 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 Baruipur PS Case No.439/2026 dated 28.02.2026 under Sections 137(2)/140(3)/64(1) of the BNS, 2023 read with Section 6 of POCSO Act read with Section 9/10 of the Prohibition of Child Marriage Act.

And

In the matter of: XXX & Anr.

... petitioners

Mr. Apalak Basu,
Ms. Sanghamitra Mridha.
...for the petitioners.

Mr. P. Karan Singh
..for the State.

Mr. Aniruddha Bhattacharya
...for the victim.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. As the petitioner no.1 being the purported husband of the alleged victim has already been arrested, his application for anticipatory bail may be dismissed as not pressed. The petitioner no.2 is the brother of the petitioner no.1. The alleged victim was in a relationship with the petitioner no.1. The two got married in February, 2026 and were staying together. Reliance is placed on a certificate of a Muslim marriage, in which an advocate had identified the parties and the signature of a maternal uncle of the alleged victim is present as a witness. After the relationship turned sour, an FIR was lodged alleging that the minor victim had

been forcibly married off to the principal accused. It is further submitted that the mother of the victim had been trying for the last two years to get her back. But, no earlier complaint had been made in this regard before the police authorities. In any event, the petitioner no.2 is not directly involved in this case so far as the allegations under the POCSO Act are concerned.

Learned counsel appearing on behalf of the victim strongly opposes the prayer for anticipatory bail. He submits that the family members including the petitioner no.2, acted in collusion with the principal accused and gave the victim girl in marriage to the principal accused.

Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for anticipatory bail. He relies on the statement of the victim recorded before the learned Magistrate, the medico legal examination report and the statements of other witnesses.

Considering the above, the other materials available in the case diary and the fact that the principal accused being the petitioner no.1 has already been arrested, the application for anticipatory bail of the petitioner no.2 (YYY) is allowed and the application of the petitioner no.1 is dismissed as not pressed.

Accordingly, in the event of arrest, the petitioner no.2 (YYY) 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 petitioner no.2 shall

cooperate with the investigation and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and shall meet the Investigating Officer once a week till submission of report in final form.

The application for anticipatory bail is, thus, partly allowed and 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.)