

AD 76
June 16, 2026
Ct. 28
SG

Allowed

CRM(A) 1613 of 2026

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Haringhata P.S. Case No.684 of 2025 dated 08.10.2025 under Sections 9/10 of the Prohibition of Child Marriage Act.

And

In the matter of: YYY

... *petitioner*

Mr. Arkaprabho Roy
Mr. Sk. Sahid Hossain

... for the petitioner

Mr. Mukesh Kumar Gupta

... for the State

Mr. Soujanya Pattanayak

... for the victim girl

Learned counsel for the petitioner submits that the petitioner is aged about 20 years while the victim is allegedly aged more than 15 years. Both the petitioner and the alleged victim were orphans. They fell in love and got married. Thereafter, the alleged victim conceived. For the first two medical check-ups, no step was taken by anyone. Afterwards, the District Social Welfare and the BDO made representations before the police authorities to take steps and the present suo motu FIR was registered. A child is born and needs to be taken care of by the petitioner and the mother.

Learned counsel for the minor victim girl submits that she would like to stay with her husband and the child. She

has no objection if anticipatory bail is granted to the petitioner.

Learned counsel for the State relies on the case diary and opposes the prayer for anticipatory bail. He submits that the medical examination was refused by the alleged victim. He refers to the statement of the victim recorded before the learned Magistrate where she categorically stated that she had fallen in love with the petitioner and got married. Thereafter, she conceived.

Considering the above, the other materials available in the case diary and in the exceptional circumstances as above that the two orphans being the petitioner and the alleged victim fell in love and got married, the victim gave birth a child who has to be looked after and she wants to stay with the child and the petitioner, that she refused to undergo medical examination and that a charge-sheet has been submitted, 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/- (rupees ten thousand) 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 the further conditions that the petitioner shall surrender

before the jurisdictional court within four weeks from this date and pray for bail, shall attend the jurisdictional court regularly and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)