07.10.2026
Item No.11
Ct.No.35
dc.
partly allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (A) 3163 of 2026

In Re : An Application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Daulatabad Police Station Case No. 132 of 2026 dated 17.05.2026 under Sections 137(2)/140(3)/ 61(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 6 and 12 of Protection of Children from Sexual Offences Act, 2012 {G.R.(B) Case No. 604/2026}.

And

In Re : **Kalam Sekh and another**

... Petitioners.

Mr. Ankan Das,
Mr. Hasibul Molla

... For the Petitioners.

Mr. Ranjan Chakrabarti,
Mr. Abhijit Singh

... For the State.

Mr. Saryati Datta

... For the Opposite Party No.2.

Learned advocate appearing for the petitioners submits that petitioners are innocent and have been foisted with criminal case because of previous grudge.

Learned advocate appearing for the private opposite party no.2 opposes the prayer for anticipatory bail and emphasises on the role of each of the accused persons.

Learned advocate appearing for the State also opposes the prayer for anticipatory bail of both the petitioners.

I have taken into account the statement of the victim recorded under Section 183 of the BNSS and I find that in relation to offences under the POCSO Act, petitioner no.1

has been specifically and categorically named by the victim. Consequently, the prayer for anticipatory bail of the petitioner no.1 viz. **Kalam Sekh** is **rejected**.

So far as the role of the petitioner no.2 is concerned, I am of the opinion that custodial detention of the petitioner no.2 in connection with the instant case is unwarranted. As such, the prayer for anticipatory bail of the petitioner no.2 is **allowed**.

Accordingly, in the event of arrest, the petitioner no.2 viz., **Atikul Sk** shall be released on bail to the satisfaction of the Arresting Officer on such terms and conditions as he deems fit and proper 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 Bharatiya Nagarik Suraksha Sanhita, 2023.

As the charge-sheet has already been submitted before the jurisdictional court, this order of anticipatory bail so far as petitioner no.2 is concerned will remain in force for a period of six weeks from date.

Memo of Evidence submitted by the learned advocate appearing for the State be kept with the record.

The application for anticipatory bail, being CRM (A) 3163 of 2026, is, thus, disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Tirthankar Ghosh, J.)