

19.01.2026
Sl. No.26
Ct. 28
NB

C.R.M. (A) 3863 of 2025

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 Nagerbazar PS Case No.98/2025 dated 15.05.2025 under Sections 120B/376/406/417/506 of the Indian Penal Code, 1860 and Section 4 of the POCSO Act, 2012.

And

In the matter of: Abdul Kaium

... petitioner

Mr. Dattatreya Dutta,
Mr. Monjit Bhattacharjee.
...for the petitioner.

Ms. Sukanya Bhattacharya,
Mr. Santanu Deb Roy.
...for the State.

Dr. Achin Jana,
Mr. Prosenjit Ghosh,
Mr. Chetna Rustagi,
Mr. Debojyoti Kumar.
...for the de facto complainant.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner has been falsely implicated in this case. It is alleged that on 15.05.2025, the de facto complainant lodged an FIR that 11 years ago, the petitioner who was the coach of the de facto complainant, a throw ball player, started exploiting her sexually, in fact, at the first point in time when the thing happened, the victim was a minor; the exploitation on promise to marry continued till March, 2023. Yet, the FIR was lodged belatedly. The petitioner's age is presently 28 years and for some time, the two were living together.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He submits that there are other victims who were similarly exploited. The petitioner was in a position to influence the will of the victim when the incident initially took place.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. She relies on the statements of the victim recorded before the learned Magistrate. However, from the case diary, it does not appear that there is statement of any other victim making similar allegations against the present petitioner.

Considering the above, the long delay in registering the FIR and the materials available in the case diary, I do not think that custodial interrogation of the petitioner is required in this case and 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 petitioner shall cooperate with the investigation and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and the petitioner shall meet the Investigating Officer once a week till submission of report in final form and the petitioner shall stay outside the jurisdictions of New Town and Nagerbazar Police Stations for a period

of three months except for the purpose of attending the jurisdictional Court or for meeting the Investigating Officer.

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.)