

19.01.2026
Sl. No.28
Ct. 28
NB

C.R.M. (A) 3938 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 Banshihari PS Case No.313/2025 dated 14.07.2025 under Sections 137(2)/140(3)/3(5) of BNS read with section 6 of the POCSO Act, 2012.

And

In the matter of: Jarina Bibi ... petitioner

Mr. Asim Kumar Chakraborti.
...for the petitioner.

Mr. Bidyut Kumar Ray
Mr. Ashok Das.
...for the State.

Despite service, no one appears on behalf of the de facto complainant.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the mother of the principal accused. The principal accused is aged about 19 years while the alleged survivor is 17 years old. The two had a love affair and the alleged victim had eloped with the son of the petitioner.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He refers to the statements of the victim recorded before the learned Magistrate as also other statements of witnesses. The victim girl had refused to undergo medical examination. He has been admitted that initially there was a relationship with the principal accused. However, afterwards she

was kidnapped and after the kidnapping, she was taken to different places.

It appears that the alleged survivor has given an explanation for a possible phone call that was recorded where she stated that she had eloped with the principal accused on her own volition.

It further appears that the principal accused is not before this Court.

Considering the above, the other materials available in the case diary and the alleged role ascribed to the present petitioner, 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.

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.)