

AD 26
January 16, 2026
Ct. 28
SG

Allowed

CRM(A) 4198 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Chanditala P.S. Case No.296 of 2025 dated 27.04.2025 under Sections 115(2)/3(5)/329(4)/76 of the BNS, 2023 read with Section 6 of the POCSO Act, 2012.

And

In the matter of:

Helim Mallick @ Abdul Halim Mallick and another
... petitioners

Mr. Akash Ghosh
Mr. Saptaswajit Kar

... for the petitioner

Ms. Sonali Das
Ms. Debolina Das

... for the State

Report filed by the State is taken on record.

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

Learned counsel for the petitioners submits that there is a civil dispute between the adverse parties. The principal accused was arrested and thereafter granted bail. The petitioners stand on the same footing as some other co-accused who had been granted anticipatory bail by this Court on 13.11.2025 in CRM(A) 3258 of 2025.

Learned counsel for the State opposes the prayer for anticipatory bail and submits that the principal accused was granted bail and some other co-accused were granted anticipatory bail by this Court.

It appears that the principal accused was granted bail.

The names of the petitioners have been taken by the victim's parents as the ones who had assaulted the de facto complainant.

However, the minor victim did not take the names of the present petitioners.

Considering the above, the other materials available in the case diary, the alleged roles ascribed to the present petitioners and the facts that similarly circumstanced co-accused were granted bail by this Court and a charge-sheet has been submitted, although I am inclined to grant anticipatory bail to the petitioners, their movement shall be restricted for a limited period.

In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) each 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 petitioners shall surrender before the jurisdictional court within four weeks from this date and pray for bail, shall attend the jurisdictional court regularly, shall stay outside the jurisdiction of Chanditala Police Station for a period of two months except for attending

the jurisdictional court or meeting the investigating officer 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.)