

15.01.2026
Court No.28
Item No.69
ssi

CRM (A) 4258 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Kharagpur Police Station Case No. **878 of 2025** dated **24.09.2025** under Sections **75 (2)/351 (3)/77/78(2)/107/3 (5)** of the BNS 2023 along with Section 12 of the POCSO Act.

And

In the matter of: **Tapas Roy @ Tapas Kumar Ray**

.... Petitioner.

Mr. Satadru Lahiri
Mr. Sourav Paul

...for the petitioner

Mr. Abhishek Banerjee
Ms. Parna Roy Choudhury
Ms. Trisa Chanda

...for the de facto

Mr. Imran Ali
Mr. Prakash Mishra

..for the State

Memo of evidence filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The principal accused is in custody. Some other co-accused who are juveniles, have been released by the Board. The present petitioner is the uncle of one of those juveniles. He had given the SIM card that was issued in his name to the said juvenile for use. The petitioner is in no way connected with the present case.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. The de facto complainant found that from some phone numbers, messages were sent to the victim's phone number and later on, the same were deleted. One of the phone numbers belongs to the present petitioner.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statements of the de facto complainant, other witnesses and the statements of the accused as well. From the statements of the present petitioner, it appears that a particular phone number belonging to him was given to his nephew for use, as they were residing in a joint family. Even from the statements of the particular juvenile accused, it appears that he had referred to the said phone number and another phone number as belonging to him.

It appears that the principal accused is in custody and the other juveniles were released by the Board.

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

Accordingly, the application for anticipatory bail of the petitioner is allowed.

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 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 further conditions that on further conditions that the petitioner shall co-operate with the investigation and shall not threaten or intimidate the witnesses. The petitioner shall meet the I.O. once a week till submission of report in final form.

The application for anticipatory bail is, thus, disposed of.

The presence of the I.O. is noted and is dispensed with.

(Jay Sengupta, J.)