

06/03/2026
D/L - 17
Court No.28
S. Kundu
Rejected

C.R.M.(A) 4240 of 2025

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Ranitala P.S case no. 577 of 2025 dated 4/09/2025 under sections 351(3)/64(2)(f) of the BNS read with Section 6 of the POCSO Act.

In the matter of: Subha Sk. @ Suva Sk.

...Petitioner.

Mr. Navnil De
Ms. Monami Mukherjee

...for the petitioner.

Mr. Saibal Bapuli
Ms. Afreen Begum

...for the State.

1. Learned counsel appearing for the petitioner submits that there was a relationship between the 21 years old petitioner and the 17 years old victim girl. They got married and thereafter the petitioner has even pronounced a *Talak* upon her. There is no document available regarding the marriage.
2. Learned counsel appearing for the State relies on the case diary and the reports and opposes the prayer for anticipatory bail. He relies on the report which says that no proof of marriage of *Talak* is available. He also relies on the case diary and points to the statement of the minor victim recorded before the learned Magistrate as also the other statements and medical report. It is the victim's case she did have a romantic relationship with the petitioner. But, taking advantage of the same, the

petitioner took her to his place and to other places and forcibly raped her. When the petitioner was away, the victim got a chance to get out, took a *toto* and came back to her house.

3. This is a peculiar case where the petitioner claims that there is a proof of Talak, but there is no proof of marriage available with him.
4. The victim has clearly implicated the petitioner in her statement.
5. Considering the above and the other incriminating materials available in the case diary, I do not consider this to be a fit case to grant anticipatory bail to the petitioner.
6. Accordingly, the application for anticipatory bail is rejected.

(Jay Sengupta, J.)