22
28.10.2026
A.N.
Ct. No. 7
(REJECTED)

C.R.M. (A) No. 3917 of 2026

In Re: An application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Ratua Police Station Case No. 785 of 2026 dated July 07, 2026 under Sections 137(2) / 140(3) of the Bharatiya Nyaya Sanhita, 2023 and adding Section 6 of the Protection of Children from Sexual Offences Act, 2012 corresponding to Special Case No. 87 of 2026 now pending before the Court of the learned Special Court (under POCSO Act, 2012), Chanchal, Malda:

-AND-

In the matter of:- **Kanai Mandal alias Bhaskar Mandal**

….Petitioner

Mr. Soupal Chatterjee

…for the petitioner.

Mr. Bhaskar Seth
Mr. Debayan Ghosh

…for the State.

Mr. Diganta Das
Mr. Soumen Pradhan
Mr. Debopriya Saha

…for de facto complainant

1. Memo of evidence filed by the learned advocate for the State is taken on record.
2. Learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in this case. He further submits that in the initial complaint lodged by the de facto complainant against the petitioner allegations were made against one Pankaj Sarkar @ Akash and Bhaskar Mandal i.e. the petitioner. He submits that subsequently the de facto complainant changed his version and stated that the petitioner

viz. Bhaskar Mandal is also known as Akash. He submits that the de facto complainant also refused any medical examination. He further submits that since there is a dispute as to the identity of the petitioner with that mentioned in the complaint lodged by the de facto complainant, prayer for anticipatory bail of the petitioner should be allowed.

3. Learned advocate appearing for the de facto complainant submits that the vehicle in which the daughter of the complainant was kidnapped has not been recovered. He further submits that the daughter of the complainant was also taken to a godown which has CCTV facilities but the CCTV footages are yet to be recovered by the investigating agency till date. Learned advocate appearing for the de facto complainant seriously opposes the prayer for anticipatory bail of the petitioner.

4. Learned advocate representing the State produces the case diary and also opposes the prayer for anticipatory bail and submits that considering the gravity of the charges leveled against the petitioner, prayer for anticipatory bail should be rejected. He further submits that the question as to whether the petitioner is also known as Akash cannot be decided at this stage.

5. Perused the case diary. I have gone through the statements of the victim, the father of the victim as well as two independent witnesses.

6. The dispute whether the petitioner is also known as Akash cannot be decided at this stage. After considering the materials available in the case diary and considering the gravity of the offences, this Court is not inclined to allow the prayer for anticipatory bail of the petitioner, more so, when the earlier

prayer for anticipatory bail before the Sessions Court has been declined very recently and no change of circumstances could be made out.

7. For all the reasons stated as aforesaid, prayer for anticipatory bail of the petitioner is considered and **rejected**.

8. The case diary be returned to the learned advocate representing the State.

9. Hence, **CRM (A) 3917 of 2026** is **disposed of**.

10. Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all usual requisite formalities.

(Hiranmay Bhattacharyya, J.)