

27.01.2026
Court No.28
Item No.14
tbsr
Reject

CRM (A) 4303 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Hanskhali** P.S. Case No. **573 of 2024** dated **09.08.2024** under Sections **64/78/3(5)/351(2)** of the BNS, 2023 read with Section 8 of the POCSO Act, 2012.

And

In the matter of: **Himangshu Mondal & Anr.**

....Petitioners.

Mr. Debashis Kar

Mr. Raja Das

....for the petitioners

Mr. Manabendranath Bandyopadhyay

Mr. Dipayan Kundu

....for the de facto complainant

Mr. Saibal Bapuli, Id. APP

Ms. Baishakhi Chatterjee

....for the State

Affidavit of service filed on behalf of the petitioners is taken on record.

Learned counsel appearing on behalf of the petitioners submits that this is the second application for anticipatory bail. The first one was filed at the stage of investigation. It was withdrawn. However, a charge sheet was filed seeking discharge of the present petitioners from the case. But, the learned POCSO Court declined to discharge the petitioners and issued the warrant of arrest against the present petitioners. Due to this change of circumstances, the second application is being filed. The petitioners have been falsely implicated in the present case.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He submits that the Investigating Officer had prayed for discharge without any basis

whatsoever and possibly motivated by some extraneous consideration. This was detected by the learned POCSO Court, which refused to discharge the petitioners and then issued the warrants of arrest against the present petitioners.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. He refers to the statements of the minor victim and her mother. According to the mother, the petitioner had actively abetted the offences in question.

Considering the above and the other materials available in the case diary, I do not consider this to be a fit case for granting anticipatory bail.

The application for anticipatory bail is, thus, rejected.

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.)