

04/02/2026
D/L – 18
Court No.28
S. Kundu
Allowed

C.R.M.(A) 4311 of 2025

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Sainthia P.S case no. 403 of 2025 dated 7/9/2025 under Sections 329(4)/115(2)/113(2)/324(4)/109(1)/118/3(5) of the BNS.

In the matter of: Sk. Rezaul @ Rezaul Sekh & Ors.

...Petitioners.

Mr. Sujoy Sarkar
Ms. Sneha Srivastava

...for the petitioners.

Mr. Arindam Sen
Ms. Rituparna Saha

...for the State.

1. Report filed by the State is taken on record.
2. Despite service no one appears on behalf of the victim.
3. Learned counsel appearing for the petitioners submits as follows. The daughter of the petitioner no. 3 had earlier lodged a case, *inter alia*, under section 85 of the BNS against the son of the present de-facto complainant and other relatives. The instant case is a counter-blast and has been falsely instituted. No *prima facie* case is made out under the POCSO Act.
4. Learned counsel appearing for the State opposes the prayer for anticipatory bail. He relies on the statements of the victim and the other witnesses and the injury report which, however, does not show any grievous injury.

5. It appears that the prime allegation is that bricks were being hurled one of which hit a private part of the 17 years old victim.
6. Considering the above, the other materials available in the case diary and the fact that charge-sheet has been submitted, I am inclined to grant anticipatory bail to the petitioners.
7. In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- 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 further conditions that the petitioners shall not threaten or intimidate the witnesses. The petitioners shall surrender before the learned jurisdictional Court and pray for bail within four weeks from date. The petitioners shall regularly attend the jurisdictional Court.
8. Accordingly, the application for anticipatory bail is allowed.
9. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)