

16.02.2026
Court No.28
Item No. 30
tbsr
Allowed

CRM (A) 173 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Balurghat** P.S. Case No.**678 of 2024** dated **21.08.2024** under Sections **137(2)/140(3)/351(2)/3(5)** of the BNS, 2023 read with Section 6 of the Protection of Children from Sexual Offences Act.

And

In the matter of: **Swajib Sarkar @ Sajib Sarkar**

....Petitioner

Mr. Kaushik Choudhury
Mr. Dwaipan Panda
....for the petitioner

Mr. Ranadeb Sengupta
Ms. Sanjida Sultana
....for the State

Learned counsel appearing on behalf of the petitioner submits as follows. The present petitioner is not the principal accused. Similarly circumstanced co-accused have been granted anticipatory bail by this Court. It is the principal accused who had allegedly eloped with the minor girl. However, they have subsequently solemnized their marriage.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the case diary including the statements of the victim recorded before the learned Magistrate. However, he submits that the present petitioner is not the principal accused and he stands on the same footing as some other co-accused who were earlier granted anticipatory bail.

Considering the above, the other materials available in the case diary, the alleged role ascribed to the present petitioner, the fact that

substantially similarly circumstanced co-accused were granted anticipatory bail by this Court earlier and the fact that charge sheet has been submitted, I am inclined to grant anticipatory bail to the petitioner.

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 condition that the petitioner shall not threaten or intimidate witnesses, shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date and shall attend the jurisdictional Court regularly.

The application for anticipatory bail is, thus, allowed.

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.)