

21.01.2026
Court No.28
Item No.73
tbsr
Allowed

CRM (A) 4349 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Ashokenagar** P.S. Case No.**383 of 2025** dated **18.06.2025** under Sections **137(2), 140(3)** of the Bharatiya Nyaya Sanhita, 2023 adding Section 64(2) of the BNS and under Section 6 of POCSO Act and Section 9/10 Prohibition of Child Marriage Act.

And

In the matter of: Lakshmi Saila

....Petitioner.

Mr. Raja Biswas

Mr. Abhijit Sarkar

....for the petitioner

Ms. Zareen N. Khan

Mr. Atif Ahmed Siqqique

....for the State

Mr. Aniket Mitra

....for the de facto complainant

Report filed on behalf of the State is taken on record.

Vakalatnama filed on behalf of the de facto complainant is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the maternal aunt of the alleged victim. The principal accused, being the son of the present petitioner, was arrested and was thereafter granted bail. Charge sheet has already been submitted. The accused have been falsely implicated due to property dispute. The victim is aged more than 17 years.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. A prima facie case is made out against the present petitioner.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He refers to the statements of the victim made before the learned Magistrate and other statements of witnesses as well as the medical report.

Considering the above, the other materials available in the case diary, the alleged role ascribed to the present petitioner, the fact that the principal accused was arrested and was thereafter granted bail and the fact that charge sheet has already 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 surrender before the learned jurisdictional Court within four weeks from this date and pray for bail and shall attend the jurisdictional Court regularly and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)