

10/03/2026
D/L – 6
Court No.28
S. Kundu
Allowed

C.R.M.(A) 91 of 2026

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Harischandrapur P.S case no. 1297 of 2023 dated 23/12/2023 under sections 363/365 of the IPC and adding section 366 A of the IPC and 6 of the POCSO Act against the present petitioner no. 1 and 363/365 of IPC and 17 of the POCSO Act against the petitioner no. 2.

In the matter of: XXX @ XXX & Anr.

...Petitioners.

Ms. Minoti Gomes

...for the petitioners.

Mr. Rohit Naskar

...for the de-facto complainant.

Mr. Joydeep Biswas

Ms. Pallavi Priyadarshee

...for the State.

1. Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner is the husband of the alleged victim and the petitioner no. 2 is a friend of the petitioner no. 1. The petitioner no. 1 and the victim were in love. They eloped and got married. Out of grudge, the father of the victim lodged the present FIR.
2. Learned counsel appearing on behalf of the alleged survivor submits that she is now staying with the petitioner no. 1 as the latter's wife at his place. He supports the prayer of the husband for anticipatory bail.
3. Learned counsel appearing for the State opposes the prayer for anticipatory bail. However, she relies on the subsequent statement of the victim recorded before the learned Magistrate on 19/2/2026 and submits that

according to such statement, the victim and the petitioner no. 1 were staying as husband and wife and she prayed for bail for her husband.

4. Considering the above and the other materials available in the case diary, I do not think that custodial interrogation of the petitioners is required in this case and I am inclined to grant anticipatory bail to the petitioners.
5. 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 cooperate with the investigation and shall not threaten or intimidate the witnesses. The petitioners shall meet the I.O once a fortnight till submission of report in final form.
6. Accordingly, the application for anticipatory bail is allowed.
7. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)