

AD 11
March 19, 2026
Ct. 6
SG

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction

CRM(A) 122 of 2026

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kotwali P.S. Case No.28 of 2026 dated 15.01.2026 under Section 8 of the POCSO Act, R/W Sections 115(2)/118(1)/76/329(3)/3(5) of the BNS, 2023.

And

In the matter of: *Biswajit Dutta*

... *petitioner*

Mr. Jaydeep Kanta Bhowmik

Mr. Sayantan Bhowmik

Mr. Subham Kumar

Ms. Jasmin Haque

Ms. Priti Das

... for the petitioner

Mr. N. Chakraborty

Ms. Namrata Das

... for the State

Ms. Payal Hansaria

... for the de facto complainant

Learned counsel for the petitioner submits that there was a fight between neighbours, which resulted in injuries. However, no grievous injury was inflicted. The charge under the POCSO Act is a mere exaggeration.

Learned counsel for the State opposes the prayer for anticipatory bail and refers to the statement of the minor victim made before the learned Magistrate, the statements of

other witnesses and the injury report which, however, does not show infliction of any grievous injury.

Learned counsel for the de facto complainant strongly opposes the prayer for anticipatory bail and submits that threats are being given to the victim's family.

Considering the above and the other materials available in the case diary, although I am inclined to grant anticipatory bail to the petitioner, his movement needs to remain restricted for a limited period.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) 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 the further conditions that the petitioner shall cooperate with the investigation, shall meet the investigating officer once a week till submission of report in final form, shall stay beyond the jurisdiction of Jalpaiguri Kotwali Police Station for a period of four months from this date except meeting the investigating officer or attending the jurisdictional court and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)