

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

29.06.2026
Ct No.5
Item No.4
Ranita/S.K.

CRM (A) 323 of 2026

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 /Section 438 of the Code of Criminal Procedure

And

In Re: **Mijanur Miah & Ors.**

..... Petitioners

Mr. Hillol Saha Poddar. Adv.

....For the Petitioners

Mr. Avrojoyoti Das, ld. APP
Mr. Debabrata Rai

.....For the State

Mr. Ujjwal Luksom
Mr. Sandipan Das

..... For the de facto complainant

1. Affidavit of service is taken on record.
2. The petitioners are accused of the offences under sections 137(2)/140 (3)/ 49 of the Bharatiya Nyaya Sanhita, 2023 read with section 6/17 of the Protection of Children From Sexual Offences Act, 2012.
3. Mr. Poddar, learned Advocate for the petitioners has submitted about innocence of the petitioners in so far as,

according to him the entire incident happened due to love affair between the victim girl with the petitioner No.3.

4. It is submitted that the victim girl has been recovered after eight months from the house of the petitioners where as the instant complaint has been lodged only after recovery of the victim girl and is afterthought and not maintainable.
5. Serious objection has been raised on behalf of the State as well as de facto complainant also the prayer of the petitioner. According to Mr. Ujjwal Luksom, learned advocate representing the de facto complainant, the petitioner's conduct are not conducive of granting anticipatory bail. He refers to the complaint filed before the OC Tufanganj PS on June 17, 2026 that even during pendency of the instant application the accused persons have been engaged in perpetrating threat to the victim as well as her family.
6. Perused the materials on case diary. Mr. Das, learned Public Prosecutor has handed over the C.D to the Court and on the basis of the records from the same, he has submitted that it is an incident of forcefull inter-religion marriage as well as forcefull sexual relation.
7. So far as involvement of the petitioner Nos.1 and 2 is concerned in the offence as mentioned above, the Court find either no material or those not so convincing to warrant custodial interrogation of those persons in the instant case.
8. Accordingly considering the same, the Court is inclined to allow the bail prayer of the petitioner Nos.1 and 2.

9. Similar prayer of the petitioner No.3 is however rejected. In view of the materials in C.D against him, particularly statement of the victim girl recorded under Section 364 Cr.P.C.
10. Hence it is ordered that in the event of arrest the petitioner Nos.1 and 2 shall submit bail bond of Rs.10,000/- with two sureties of like amount, one of whom must be local to the satisfaction of learned Special Court, Pocso Act-cum-Additional District and Sessions Judge at Tufanganj the petitioner shall comply with the condition under Section 482(2) of the BNSS and shall cooperate with investigation in all possible way. He shall not intimidate witnesses in any manner and shall not tamper with the evidence of the case in any manner whatsoever.
11. C.D be returned.
12. Bail prayer of petitioner No.3 is rejected.

(Rai Chattopadhyay, J.)