

05.01.2026
Item no. 05.
Court No.3.
Rakib
(Allowed)

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

CRM (A) 819 of 2025

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973/Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Naxalbari Police Station Case No. 132 of 2025 dated 01.08.2025 under Sections 6 of POCSO Act read with Sections 9 and 11 of the Prohibition of Child Marriage Act, 2006.

And

In the matter of : Md. Ali Husen.

.....Petitioner.

Mr. Mayank Roy

.....for the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP

Mr. Bhaskar Das

Mr. Chattu Roy

.....for the State.

Learned advocate appearing for the petitioner submits that there were consensual relationship between the petitioner and the victim and subsequently the case was registered after a considerable period of time.

Learned advocate for the State submits that the victim is a minor and as such the petitioner is not entitled to the relief.

I have taken into account the statement of the victim under Section 183 of the BNSS and on assessment of the same,

I am of the view that an adverse order may have a larger impact on the social relationship, accordingly I am inclined to extend the privilege of anticipatory bail to the present petitioner. Consequently, the prayer for anticipatory bail is **allowed**.

As such, I direct that in the event of arrest, the petitioner be released on bail upon furnishing a bond of Rs.20,000/- (Rupees Twenty Thousand only), with two sureties of Rs. 10,000/- (Rupees Ten Thousand only) each, one of whom must be local to the satisfaction of the investigating officer/arresting officer of the case and also subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and/or under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Accordingly, CRM (A) 819 of 2025 is **allowed**.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)