

05.01.2026

Item No.24

Ct.No.3

dc.

Rejected

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

C.R.M. (A) 898 of 2025

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973/Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Mekhliganj Police Station Case No. 261 of 2024 dated 11.07.2024 under Sections 115(2)/351(2)(3) of the Bharatiya Nyaya Sanhita, 2023 adding Sections 6/17 of the POCSO Act, 2012.

And

In Re : **Md. Rubel**

... Petitioner.

Ms. Madhushri Dutta

... For the Petitioner.

Mr. A. S. Chakraborty, APP,
Mr. Ujjwal Luksom,
Dr. Arjun Chowdhury

... For the State.

Ms. Bipasha Mrug

... For the *de facto* complainant.

Affidavit-of-service filed in Court today be kept with the record.

Learned advocate appearing for the petitioner submits that there has been change of circumstances as marriage has taken place between the victim and the principal accused.

Learned advocate appearing for the *de facto* complainant also consents to such submission of the learned advocate for the petitioner.

Mr. Chakraborty, learned APP appearing for the State submits that earlier there was a statement under Section 164 Cr.P.C./183 BNSS before the learned Judicial Magistrate which *prima facie* makes out an offence.

In case there are change of circumstances, the *de facto* complainant will take out an application before the learned Special Court. Learned Special Court, if required will pass necessary directions for recording of further statement under Section 164 of the Code of Criminal Procedure of the victim. If upon perusal of such statement, the Trial Court is of the opinion that custodial detention of the petitioner is not required, the Trial Court would be at liberty to exercise its discretion as it deems fit and proper.

However, so far as the present case is concerned before this Court, I am of the view that this is not a fit case for granting anticipatory bail. As such, the prayer for anticipatory bail of the petitioner is **rejected**.

The application for anticipatory bail, being CRM (A) 898 of 2025, is, thus, disposed of.

All concerned parties shall act on the server copy of this order duly 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.)