Item No.-26
Ct No.07
25.11.2026
R.D Barua

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRM (A) 833 of 2026

In Re: - An application for Anticipatory Bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 438 of the Code of Criminal Procedure in connection with G.R. Case No.1851 of 2026 arising out of Alipurduar Women Police Station Case No.64 of 2026 dated 01.08.2026 under Section 6 of POCSO Act, 2012.

And

In the matter of: Arabinda Barman

.... petitioner

Mr. Arnab Sengupta
Md. Shoaib Akhtar

... for the petitioner

Mr. Satyaki Paul
Mr. Rounak Ghosh

...for the de-facto complainant

Ms. Panchali Deb Sikder (Nag)
Mr. Urgen Lama

... for the State

1. Learned counsel for the petitioner submits that whereas the offence took place in the year 2024, the complaint was lodged on 1st August, 2026.

2. It is argued that the offences alleged against the petitioner are not substantiated by the statement made by the victim under Section 183 of the BNSS.

3. Learned counsel for the petitioner further submits that there was an amorous relationship between the victim and the

petitioner at the relevant point of time, which is also virtually admitted by the victim.

4. Moreover, since charge-sheet has already been filed, it is contended that anticipatory bail ought to be granted to the petitioner.

5. Learned counsel appearing for the State seriously opposes the prayer and submits that taking advantage of the naivety of the victim girl, who was a minor at the relevant point of time, the petitioner, who is allegedly an influential person in the area, had developed a relationship with her on the pretext of marrying her in future.

6. It is submitted that the reason for the delay in lodging the complaint was explained by the victim in her statement under Section 183, BNSS, where she stated that she was under serious threats of blackmail by the petitioner, citing video recordings taken of the victim girl in a compromising position.

7. Learned counsel further submits that in the event the anticipatory bail is granted, the victim may influence witnesses and tamper with evidence.

8. Upon hearing learned counsel for the parties, it transpires that charge sheet has already been filed in the present case. Despite the allegation of the victim girl being blackmailed, leading to the delay, the long delay of two years is not properly justified by sufficient materials.

9. Moreover, there are some discrepancies between the statement of the victim girl under Section 183 of the BNSS and the initial complaint lodged by her.

10. Under such circumstances, in the opinion of the Court, no useful purpose would be served if the petitioner is incarcerated, since charge sheet has already been filed.

11. Also, no materials have been placed before the court to substantiate the allegation that the petitioner is influential and may tamper with evidence or intimidate witnesses.

12. Under such circumstances, CRM (A) 833 of 2026 is allowed on contest, thereby granting anticipatory bail to the petitioner.

13. In the event of arrest, the petitioner shall be released on bail on condition of furnishing bond of Rs. 20,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court (POCSO), Alipurduar.

14. Furthermore, the petitioner shall not enter the territorial jurisdiction of the residential police station of the victim girl and shall attend each and every date of trial, as and when the same commences. Moreover, the police will be at liberty to file a supplementary/additional charge sheet upon further investigation, if necessary, in which case the petitioner shall fully cooperate with the Investigating Officer and meet the said Officer as and when so required by the latter.

15. The petitioner shall not in any manner try to intimidate and/or induce the victim, her family or the prospective witnesses in the trial and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)