

In the Court of Additional Dist & Sessions Judge cum Special Judge under POCSO Act,
Kalna, Purba Bardhaman
Pre :Sri Chiranjib Bhattacharya (J.O. Code-WB00718), Addl. Sessions Judge-cum- Judge
Special Court (POCSO Act, 2012) Kalna, Purba Bardhaman.

Crl. Misc. Case No. 50 of 2026
(CNR : WBB11-000376-2026)

(Arising out of Monteswar P.S. Case No. 221 of 2025 dated 17-05-2025 u/s. 6 POCSO &
9/10/11 of Child Marriage Act & 316 of NBS in c/w Spl case no.14 of 2026)

Petitioner-

1. Haydar Sekh, 2. Farida Bibi and 3. Firoz Molla
- Vs – State of West Bengal.

Order No. 02 dated 01-06-2026

This is the Misc. case arising out of an application u/s 482 of BNSS in connection
with Monteswar P.S. Case No. 221 of 2025 dated 17-05-2025 u/s. 6 POCSO & 9/10/11 of
Child Marriage Act & 316 of NBS in c/w Spl case no.14 of 2026 with a prayer for
granting them anticipatory bail.

During hearing Ld. Advocate for the petitioners submitted that the petitioners are
parents and maternal uncle of principal accused having no direct involvement in the alleged
offence. It was further submitted that from the material on record, it is clear that everything
was done by the principal accused and no specific role could be attributed to the present
petitioners and major part of the investigation is already over and no fruitful purpose can
be achieved by detaining the petitioners in custody. He further submits that no prayer for
bail of this petitioners is either pending before or rejected by the Hon'ble High Court.

Ld. PP in charge, while opposing the prayer submitted that so far as the mother of
the principal accused is concerned, he has no objection but there is allegation against the
father and maternal uncle of the principal accused that they abused and threatened the
victim. He further submits that the victim is aged about 16 years and the allegation is a very
serious one and therefore, prayer for anticipatory bail must be rejected.

Considered the submissions of both sides.

Perused CD and materials on record.

It appears that in the FIR it is alleged that the present petitioners were involved in
the offence of marriage of the victim with principal accused after forging her Aadhar card
and misappropriation of her jewelries. From the statement of the victim recorded u/s.183 of
BNSS it appears that she had stated about the principal accused alluring her to develop
relationship with him and thereafter taking the jewelries and cash from her. She had stated
that father of the principal accused used to abuse her in filthy language and his maternal
uncle threatened to murder her but nexus of those two persons with the principal accused
has not been clearly spelt out. No further role has been attributed to the petitioners.

Considering the material on record and CD, it does not appear that in the present
case there is any necessity for custodial interrogation. Accordingly the prayer for
anticipatory bail in respect of the petitioners is allowed.

In the event of arrest petitioners may be released on furnishing bond of Rs.5,000/-
each with one surety each to the satisfaction of arresting officer.

If on bail

1. Petitioners will make themselves available to the IO as and when called for
between 10.00 am to 4.00 pm.

2. Petitioners shall not make any inducement, threat or promise to any person
acquainted with the facts of the case so as to dissuade him/her from disclosing facts to the
court or any police officer.

This Crl. Misc. is thus disposed of. C.D. be returned.

Let the Crl. Misc Case be tagged with case record of **Spl case no.14 of 2026**

Dictated & Corrected by me,

Addl. Sessions Judge,
cum Special Judge under POCSO Act,
KalnaPurba Bardhaman

Addl. Sessions Judge,Kalna
cum Special Judge under POCSO Act,
Kalna, Purba Bardhaman