

IN THE COURT OF THE SESSIONS JUDGE, DARJEELING

Present : Smt. Anita Mehrotra Mathur (JO :WB00649)

Additional Sessions Judge, 2nd Court, Darjeeling

Criminal Misc. Case No.	07	of 2026 (CIS 256 of 2026)
Birbal Subba (Limbu)	VS	State of West Bengal

Pulbazar P.S. case No. 17 of 2026 dated 07.05.2026 and
corresponding to Special (C) Case No. 12/2026 U/s 6 of
POCSO Act.

Order No. 04 dated 01-07-2026

The instant Criminal Misc Case has been filed under Section 482 of B.N.S.S, 2023 by the petitioner Birbal Subba (Limbu) apprehending arrest in connection with Pulbazar P.S. case No. 17 of 2026 dated 07.05.2026 and corresponding to Special (C) Case No. 12/2026 U/s 6 of POCSO Act.

At the outset the Learned Advocate for the accused petitioner submitted that no application for anticipatory bail has earlier been rejected by the Hon'ble High Court or is pending for disposal before the Hon'ble High Court and he draws attention of this court to the affidavit affirmed in this respect.

VG and informant are present in Court on call.

Lawyer's hazira is filed on behalf of accused /petitioner.

An affidavit has been filed by victim to the effect she and the accused petitioner are married and they are living together as husband and wife at their shared residence. The victim stated that out of their wedlock, a child was born prior to attaining majority. At the relevant point of time she was minor and due to medical reporting the present case has been initiated. The victim stated that the petitioner is the sole breadwinner and primary caregiver of the family. She also stated that he has never been subjected to any aggravated penetrative sexual assault by the accused petitioner.

Heard Ld. Advocate for the petitioner and Ld. Special P.P.

VG and the defacto complainant raises no objection regarding instant bail application.

Ld. Special Public Prosecutor raises no objection and leaves the matter to the discretion of this learned Court.

Perused case record and materials in CD.

FIR reveals that the ward master of Sadar Hospital, Darjeeling on 04.05.2025 lodged the complaint before the O/C Sadar Women P.S. Darjeeling alleging that minor pregnant VG was hospitalized on 03.05.2025. Thereafter the FIR was sent to the concerned PS being Pulbazar and Pulbazar P.S case No. 17 of 2026 dated 07.05.2026 has been initiated on 07.05.2026.

Considering the aforesaid facts and circumstances of the case, repeated direction of the Hon'ble Apex Court highlighting the personal liberty of individuals, this court is of opinion that custodial interrogation of the accused/petitioner is not necessary.

Order No. 04 dated 01-07-2026

Accordingly prayer for pre-arrest bail is **allowed**.

In the event of arrest the accused person namely Birbal Subba (Limbu) be released on furnishing bail bond of Rs. 3,000/- with two registered sureties of like amount to the satisfaction of the arresting officer with conditions laid down in section 482(2) of the B.N.S.S.

The Criminal Misc Case is thus disposed of.

Case diary be returned at once.

Let a copy of this order be kept in the original case record.

Let another copy of this order be sent to the I.O through the O/C Pulbazar P.S. for information.

Dictated and Corrected by me:

Sd/-
Additional Sessions Judge,
2nd Court Darjeeling.
JO Code: WB00649

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