

In the Court of Additional District & Sessions Judge, 1st Court, Uluberia, Howrah.
Criminal Misc. case No. 139/2026 (Arising out of Special case No. 13/2026)
Rajapur P.S case No. 6/26. dated 03.01.2026.
U/s 69 of BNS & Sec. 6 of POCSO Act
Present : Anirban Chowdhury (JO Code : WB 00814)

Order No.6, dated 10.06.2026

Today is fixed for hearing of bail application U/s 482 of B.N.S.S.
Accused /petitioner viz, Johid Ali Mollah @ Jahid Molla is being charged with u/s 6 of POCSO Act 2012, read with section 69 of BNS has prayed for an order of bail u/s 482 of BNSS in connection with Rajapur P.S case No. 6/26. dated 03.01.2026.

Ld. Advocate appearing for the accused/petitioners submits that :

- 1) The accused/petitioner is never involved in any incident in the instant case;
- 2) He has been falsely implicated in this case ;
- 3) Investigation has been completed;
- 4) Other co accused persons were accorded the benefit of anticipatory bail by the Hon'ble Court vide order dated 23.02.2026 passed in CRM(A) 451 of 2026.

Ld. Special PP in-charge raises objection against the prayer for anticipatory bail challenging its maintainability on account of the embargo envisaged in section 482(4) of BNSS and also citing the materials collected during investigation.

I.O. is present.

He has produced two in and out get registers seized on 03.01.2026 duly forwarding the same through Ld. Special P.P in-charge.

Perused the materials on record and the C.D.

Heard both sides. Considered.

As per the birth certificate seized by I.O. date of birth of victim is 10/01/2007. In the complaint the victim cum defacto complainant has stated that the alleged incidents began from 2022. She specified dates like 17/08/2022, 26/09/2023, 02/06/2025 and 05/11/2025. She has also referred to 2/3 other occasions in the year 2024.

However, at the time of investigation the I.O. has seized two registers pertaining to 02/06/2025 and 05/11/2025. No documentary evidence relating to any other date prior to those two dates have been collected during investigation. Apparently, victim attained majority on 02.06.2025. Her medical evidence does not specify that she was subjected to aggravated penetrative sexual assault prior to attaining majority. In fact other than statements of victim nothing can be gathered from the evidence collected in that regard.

In such circumstances it does not appear that the embargo to anticipatory bail as envisaged in section 482 (4) of BNSS is applicable herein. Considering the C.D and all other materials on record, I find that possibly there was consensual relationship out of love affair between the parties. In such circumstances the apprehension of the accused person of being subjected to frivolous arrest seems to be genuine. Accordingly the prayer for a direction of anticipatory bail is allowed subject to compliance of the conditions as specified in section 482(2) of BNSS.

In the event of arrest of the accused/ petitioner viz Johid Ali Mollah @ Jahid Molla be released on furnishing bail bond of Rs.4,000/- with two registered sureties of Rs. 2,000/- each, subject to the satisfaction of the arresting authority and the accused/petitioner shall comply the conditions enumerated in section 482 of BNSS.

Let a copy of this order be tagged with the original case record being Special Case No.13 of 2026 (POCSO).

Thus the Criminal Misc. Case no.139/2026 is disposed of accordingly.

Let a copy of this order be sent to the Ld. A.C.J.M. Uluberia and concerned P.S.

Dictated and corrected by me.

Sd/-
Additional Sessions Judge,
1st Court, Uluberia, Howrah.

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Additional Sessions Judge,
1st Court, Uluberia, Howrah.