

In the Court of District & Sessions Judge, Alipurduar.  
Criminal Misc. Case No.178/2026  
(CNR No.WBJP05-000397-2025)  
Present : Sri Pukar Pradhan (J.O.No.WB01097 )  
Addl. District & Sessions, FTC-II,  
In Charge of Sessions Judge, Alipurduar.

**1) Sri Rakesh Barman, 2) Sri Kamini Barman, 3) Smt. Malati Barman,**  
**4) Sri Santosh Roy, 5) Smt. Sabita Roy, 6) Sri Mrintunjay Chakraborty.....accused/petitioners**  
- Vs -  
State of West Bengal

**Order No.3 dt.09.03.26**

The instant Criminal Misc Case is arisen out of the bail application filed u/s 482 BNSS by the applicant/petitioners namely, **1) Sri Rakesh Barman, 2) Sri Kamini Barman, 3) Smt. Malati Barman**, all resident of Aitakhoaya, Kunjanagar, P.S. Falakata, Dist. Alipurduar, **4) Sri Santosh Roy, 5) Smt. Sabita Roy**, both of Malsagaon, P.S. Falakata, Dist. Alipurduar, **6) Sri Mrintunjay Chakraborty**, the resident of Aitakhoaya, Kunjanagar, P.S. Falakata, Dist. Alipurduar, in connection with G.R. Case No.300/2026, corresponding to Falakata P.S Case No.104/2026 dt. 13.02.26, u/s 9/10/11 of Child Marriage Act.

Learned Advocate appearing for the accused/petitioners submits that the accused/petitioners have not moved any bail application for and on behalf of the accused before the Hon'ble High Court or the Hon'ble Supreme Court and no such application is pending or disposed of before the Hon'ble High Court or the Hon'ble Supreme Court.

Learned Advocate for the accused/petitioners submitted that on the basis of suo motu complaint, the present case has been started against all the accused persons on 13.02.26 for the offence punishable under various provisions of Child Marriage Act, 2006 and contended that on false pretext FIR has been lodged.

Learned Public Prosecutor, on the other hand, raises formal objection and drawn the attention of the Court to page no.23 of the case diary i.e. statement of the victim girl so recorded by Magistrate. That apart, there is no such other materials in the case diary to attract the provision of law.

Having heard the submission of Learned Advocate of both sides and upon perusal of the case record and the statement of the witnesses specially the victim girl which does not support the prosecution case at all but fact remains that victim girl is one of the party of the alleged activity of violation of law. That apart, the statement of the witnesses so recorded shows that at the time of alleged incident, the victim girl was minor and the present accused persons were actively arranging the facility of marriage ceremony. Considering the above facts, the statement of the victim girl and other evidences on record, this Court finds that their custodial detention will not help the investigation at this juncture, but at the same time, keeping in mind the observation of the Hon'ble Apex Court in the case of ***Society for Enlightenment and Voluntary Action v. Union of India (2024)***, such menace of the society has to be dealt with the firm hand. Therefore, considering the above aspect and considering the development of the investigation in the present case in hand, prayer for anticipatory bail is **allowed**.

In the event of arrest, the accused/petitioners namely, **1) Sri Rakesh Barman, 2) Sri Kamini Barman, 3) Smt. Malati Barman, 4) Sri Santosh Roy, 5) Smt. Sabita Roy, 6) Sri Mrintunjay Chakraborty**, may find bail of **Rs.8,000/- each** with one two sureties of **Rs.4,000/- each** of like amount, subject to the satisfaction of the arresting authority on condition to meet the I.O once in a week until the completion of investigation and submission of charge sheet, with the further condition that they shall comply with the requirements as enumerated u/s 482(2) of the BNSS.

Let a copy of this order along with LCR be sent to the learned CJM, Alipurduar for information and taking necessary action. A copy of this order be sent to the I.O.

Thus, the instant Criminal Misc case is disposed of.

Dictated & corrected  
by me

**Sd/-**  
Sessions Judge, Alipurduar  
IN-CHARGE.

**Sd/-**  
Sessions Judge, Alipurduar.  
IN-CHARGE.

OFFICE OF THE DISTRICT & SESSIONS JUDGE,  
ALIPURDUAR.

Memo No.

Dated

*Copy of order forwarded to :*

*1) Ld. CJM, Alipurduar along with LCR being G.R.300/2026.*

*2) The I.O.*

Sessions Judge, Alipurduar.  
IN-CHARGE.

## AI Overview

In *Society for Enlightenment and Voluntary Action v. Union of India* (2024), the Supreme Court of India issued landmark guidelines to strictly enforce the Prohibition of Child Marriage Act, 2006 (PCMA). The ruling emphasizes child rights, mandates dedicated officers, and aims to eradicate child marriage, which violates Articles 14, 15, and 21 of the Constitution.