

**In the Court of the Additional District & Sessions Judge, 2<sup>nd</sup> Court,  
Krishnagar, Nadia**

Present : Smt. Sanghamitra Chatterjee

J.O. Code No. WB01058

Judge, Special Court Under POCSO Act (In-Charge),  
Nadia at Krishnagar

Criminal Misc. Case No. 459/2026

Kotwali PS Case No. 181/2026 Dated 16.02.2026

U/Sec. 329(3)/115(2)/118(2)/109/3(5) BNS & Sec. 8 of POCSO Act.

Order No. 2 Dated 10.03.2026 :

The application for anticipatory bail U/Sec. 482 BNSS is filed on behalf of accused persons/petitioners viz. **Kartick Das, Tapas Das, Susanta Das, Rekha Das @ Rekharani Das and Swagata Biswas** who apprehended arrest in connection with **Kotwali PS Case No. 181/2026 Dated 16.02.2026 U/Sec. 329(3)/115(2)/118(2)/109/3(5) BNS & Sec. 8 of POCSO Act.** is taken up for hearing.

Application under section 482 BNSS states that no similar bail application is pending or disposed of before any Higher Court of law.

Heard Learned Counsel for the accused persons/petitioners as well as Learned Special Public Prosecutor (POCSO).

Learned Defence Counsel submitted that the accused persons are very innocent and they did not commit any such offence as alleged. He further submitted that the accused Kartick Das is the principal accused of this case and other accused persons are the relatives of the principal accused. He further submitted that this case was initiated against the present accused persons out of land dispute in between the parties. He further submitted that the accused persons are having permanent residence within the jurisdiction of this Court and there is no chance of absconding the accused persons and they will face the trial and he prays for bail on any terms and conditions.

On the other hand, Ld. Special PP (POCSO) raised objection on the ground that there are sufficient materials in the case record against these accused persons showing their involvement in the commission of offence U/Sec. 8 of POCSO Act and other relevant sections involved in this case and the VG was aged about 17 years and, as such, it is a fit case for custody trial.

De-facto complainant is present and stated before the Court that she has strong objection against the bail application of the accused persons.

Perused the case record and the CD.

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*Contd...*

It appears from the case record as well as the CD that there are sufficient materials against the principal accused **Kartick Das** for commission of offence U/Sec. 8 of POCSO Act and charge-sheet of this case has not yet been submitted till date and the investigation is still in progress. Moreover, the VG is aged about 17 years.

Considering the materials in the case record as well as the CD including the statement of the VG recorded U/Sec. 183 BNSS and gravity of the offence, this Court is of the opinion that custodial interrogation of this principal accused is necessary for effective investigation of this case.

Accordingly, the application **U/Sec. 482 of the BNSS** in respect of accused **Kartick Das** for pre-arrest bail is hereby **rejected**.

However, considering the materials in the case record as well as the CD and the statement of the VG recorded U/Sec. 183 BNSS, I do not find any direct allegation against the accused persons namely **Tapas Das, Susanta Das, Rekha Das @ Rekharani Das and Swagata Biswas** for commission of offence under POCSO Act and moreover, these are the relatives of the principal accused. Therefore, considering the above facts and the materials in the CD, this Court is of the opinion that custodial interrogation of these accused is not necessary.

Accordingly, the application **U/Sec. 482 of the BNSS** for pre-arrest bail is hereby **allowed**.

Thus, it is directed that in the event of arrest/surrender of accused persons namely **Tapas Das, Susanta Das, Rekha Das @ Rekharani Das and Swagata Biswas**, the Arresting Officer/Court shall release them on furnishing bail of **Rs. 4,000/-each, with two sureties of Rs. 2,000/-each** of like amount on terms and conditions mentioned **U/Sec. 482(2) of BNSS**.

Thus, Criminal Misc. Case is disposed of.

Let a copy of this order be tagged with the case record.

CD is returned to GRO (POCSO).

Dictated and corrected by me

Sd/-  
Judge, Special Court,  
Under P.O.C.S.O. Act (I/C),  
Krishnagar, Nadia  
10.03.2026

Sd/-  
[Sanghamitra Chatterjee]  
Judge, Special Court,  
Under P.O.C.S.O. Act (I/C),  
Krishnagar, Nadia  
10.03.2026