

12.08.2025
Item no.4
Court No.42
ss

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(DB) 186 of 2025

In Re: An application for cancellation of bail under Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 1973 in connection with Special Case No.427 of 2024 arising out of Bhowanipore Police Station Case No.206 of 2024 dated November 6, 2024 under Sections 137(2)/64 of the Bharatiya Nyaya Sanhita, 2023 read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 pending before the learned Additional District & Sessions Judge, 2nd Court cum Special Court, POCSO Act, Alipore, 24-Parganas (South).

In Re : YYY

.... Petitioner.

Mr. Dipanjan Chatterjee,
Mr. Dibyendu Bhattacharya,
Mr. Prateep Bera,
Ms. Kakan Das,
Ms. Rimpa Adhikari

...for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Debjani Sahu

...for the State.

This is an application for cancellation of bail.

Learned Advocate for the petitioner submits that the learned trial court granted *ad interim* bail to opposite party no.2 on 22nd November, 2024 till 20th March, 2025, which is not sustainable since there is no provision in law which confers upon the learned trial court to grant any *ad interim* bail. Bail itself is an interim measure. The order granting *ad interim* bail is perverse, illegal and unjustified. He seeks for cancellation of bail.

Learned Advocate for the State submits that the opposite party no.2 has complied the conditions as imposed by the learned trial court. There is no further complaint received in this regard till date from the end of the victim girl or her family.

None appears on behalf of the opposite party no.2.

The challenge to impugned order granting bail is precisely on the ground that the learned trial court is not authorised to grant interim bail under the provisions of law.

Upon perusal of the order impugned granting bail to opposite party no.2, it is found that bail is granted in interim form. Be that as it may, this Court is of the opinion that the form in which the bail is to be granted, such discretion lies with the court granting bail and it cannot be said to be perverse only on such ground.

The report of the State shows that the opposite party no.2 has complied the conditions as imposed by the trial court.

In view of the above, the application for cancellation of bail being **CRM (DB) 186 of 2025** stands dismissed.

Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)