

February 28, 2025

2 ARDR

Allowed

CRM (SB) 23 of 2025

In Re : An Application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with **Simlapal** Police Station Case No. 95/2024 dated 11/12/2024 under Sections 85/351(2)/303(2)/74/62/3(5)/65(1) of the Bharatiya Nyaya Sanhita, 2023 and Section 12 of the Protection of Children from Sexual Offences Act.

And

In Re : xxx

... Petitioner.

Adv. Angshuman Chakraborty,
Adv. Shashanka Sekhar Saha,

... for the petitioner.

Adv. Suchismita Dutta,

...for the defacto complainant

Adv. Debabrata Chatterjee,
Adv. Dipankar Paramanick,

... For the State.

Report submitted by the State is taken on record.

Heard learned counsels for the parties.

Perused the Case Diary.

Learned counsel for the petitioner submits that there was a relationship between the petitioner and the mother of the victim girl and the petitioner used to help them financially. The mother/ defacto complainant is the wife of the petitioner's cousin. On the petitioner expressing his inability to render financial assistance to the defacto complainant any further, the defacto complainant threatened to implicate the petitioner in false cases for which the petitioner lodged a G.D. before the Inspector in charge, Simlapal Police Station on 12th September, 2024. The present complaint was lodged on 11th December, 2024. Charge sheet has been submitted. Further detention of the petitioner is not required.

Learned counsel for the defacto complainant opposes the prayer for bail.

Learned counsel for the State produces the Case Diary and also opposes the prayer for bail.

Learned counsel takes this court to the medical report of the victim as well as statements under Section 164 of the Code of Criminal Procedure of the victim and the defacto complainant.

I have perused the material available on record. The petitioner is in custody for about two months. Charge sheet has been submitted. Whether the medical report of the victim lends support to the prosecution case shall be adjudicated at the appropriate stage of the proceeding.

Considering the fact that charge sheet has been submitted and also the statements of the defacto complainant and the victim vis-à-vis the medical report of the victim, this Court is of the view that further detention of the petitioner for the purpose of custodial interrogation is not required and he may be granted bail on stringent conditions.

Accordingly, the prayer for bail is allowed.

The petitioner, namely, Utpal Biswas be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Bankura subject to the condition that the petitioner shall remain outside the jurisdiction of Nakashipara Police Station within which the victim girl resides and shall furnish the address where he shall presently reside before the learned trial Court, the investigating

officer and the officer in charge of the police station where he shall presently reside. The petitioner shall appear before the learned trial Court on every date of hearing fixed by the Court and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions as stated above, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail, being CRM (SB) 23 of 2025, is, thus, disposed of.

Case Diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)