

03.04.2025
Court No.39
D/L 6
ab
(allowed)

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

CRM (DB) 633 of 2025

In Re: An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Chhatna P.S. Case No. 136 of 2024 dated 18.11.2024 under Sections 137(2)/105/90/61(2)/69/3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4/6 of the POCSO Act, Section 5 of the Medical Termination of Pregnancy Act, 1971 and Section 7 of the West Bengal Clinical Establishment Act, 1950.

And

In the matter of: **Biswanath Banerjee** **Petitioner.**

Mr. Soumik Ganguli,
Ms. Chandana Chakraborty
... For the Petitioner.

Ms. Rituparna De Ghosh,
Mr. Sobham Gani
... For the State.

Mr. Souvik Ganguli, learned advocate for the petitioner submits that the petitioner is languishing in custody for the last 134 days. The victim was brought to the chamber of the petitioner, who is a local quack doctor, with ectopic pregnancy and she was referred to the Government hospital for better management, however, due to complication in her pregnancy, she expired. The petitioner is no way involved with the death of the victim. He seeks for enlargement of the petitioner on bail.

Ms. Rituparna Ghosh, learned advocate for the State submits that the petitioner did not have the authority to treat the victim, however, he has prescribed some medicines which caused death of the victim. The statements of the witnesses show that the victim was taken to the chamber of the petitioner. She prays for dismissal of the bail application.

Perused the case diary.

From the materials, there cannot be any quarrel that the victim was taken to the chamber of the petitioner, who happens to be a quack doctor. The prescription at page 35 of the case diary also shows that the victim was advised certain medicines but was referred to the hospital. However, the victim died on her way to hospital. Considering the materials as indicated above as well as the period of detention, I am inclined to grant bail to the petitioner. Accordingly, the prayer bail is allowed.

The petitioner, namely, **Biswanath Banerjee**, be released on bail upon furnishing a 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 Judge, Special Court under the POSCO Act, Bankura subject to condition that the petitioner shall appear before the learned trial Court on every date of hearing until further orders and shall not intimate witnesses and/or tamper with evidence in any manner

whatsoever. Further the petitioner shall not act as quack doctor until further orders.

In the event, the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial Court to cancel the bail without further reference to this Court.

Accordingly, ***CRM (DB) 633 of 2025*** is disposed of.

(Bivas Pattanayak, J.)