

16.04.2025
Sl No.7
Ct. No.39
srm
(Allowed)

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

CRM (SB) 43 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with Halisahar
Police Station Case No.37 of 2025 dated 20.02.2025 under
Sections 75 of BNS, 2023 and Section 12 of POCSO Act, 2012.

And

In Re : Subir Ganguly

.....Petitioner

Mr. Debasis Kar,
Mr. Husen Mustafi

.....for the Petitioner

Mr. Anand Keshri,
Md. Ejaz Akhtar

.....for the State

Affidavit of service filed on behalf of the petitioner is taken
on record.

It is found that service has been effected upon the *de facto*
complainant/victim.

Learned Advocate for the petitioner submits that the
petitioner is a tutor and the victim attended the tuition classes
of the petitioner. Save and except, the victim boarded the
scooty of the petitioner, there are no such incriminating
materials against the petitioner. Further, after completion of
the investigation charge sheet has been submitted in this case
and the petitioner is in custody for last two months. He seeks
for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the
State submits that there are specific allegations against the

petitioner and as such the bail prayer of the petitioner should be rejected.

Despite service, none appears on behalf of the *de facto* complainant/victim.

Perused the case diary and the materials on record.

It is found that after completion of the investigation the charge sheet has been submitted under Section 75 of the BNS and Section 12 of the POCSO Act. The petitioner is in custody for about two months. Considering the above, this Court is inclined to grant bail to the petitioner.

Accordingly, the petitioner, namely, **Subir Ganguly**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand), with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Judge, Special POCSO Court, Barrackpore, North 24-Parganas. The petitioner shall appear before the trial court on each and every day of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973/Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not enter within the territorial jurisdiction of Barrackpore sub-division except for the purpose of attending court proceedings 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 in accordance with law without further reference to this Court.

Accordingly, the application for bail being **CRM (SB) 43 of 2025** is disposed of.

(Bivas Pattanayak, J.)