

23.04.2025
Item No.04.
Daily List
Court No.39
(Allowed)
Mithun

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

CRM (M) 33 of 2025

In re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding Section 439 of the Code of Criminal Procedure in connection with ST (POCSO) No.04(02) 2022 arising out of Serampore Women Police Station Case No.30 of 2020 dated 30.08.2020 under Sections 376(1)/376(2)(i)/328/354 of the IPC and 6/12 of the POCSO Act, 2012.

-And-

In the matter of : Biswajit Ghosh

... Petitioner

Mr. Santanu Chakraborty,
Mr. Angshuman Patra

...for the petitioner

Ms. Zareen Nasima Khan,
Mr. Soumya Basu Roy Chowdhuri

... ..For the State

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

State files service report along with status report which is also taken on record.

Learned Advocate for the petitioner submits that there is stark contradiction in the statement of the victim and the deposition in Court. There was no allegation of rape at the first instance. Such fact has been stated only before the Court during examination by the victim lady/*de facto* complainant. The mother of the victim refused to undergo medical examination.

The petitioner is in custody for a considerable period of 4 years 8 months. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State opposes such prayer for bail and submits that already trial is on the verge of completion. Both the victims had categorically stated in their evidence of the alleged offence committed by the petitioner. He seeks for dismissal of the bail application.

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

Perused the case diary and the materials on record.

The petitioner is in custody for more than 4 years. As per the status report filed by the State, 10 out of 19 witnesses have been examined. Rest witnesses are yet to be examined. The vulnerable witnesses have already been examined. Hence, without going into the merits of the case, only on the ground of period of detention of the petitioner, this Court is inclined to enlarge the petitioner on bail on stringent conditions.

Accordingly, the petitioner, namely, **Biswajit Ghosh** 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 Court-cum-Additional Sessions Judge, 1st Court, Serampore subject to condition that the petitioner shall report to the Inspector-in-Charge, Serampore Women Police Station once in a fortnight until further orders. The petitioner shall not enter the jurisdiction of the Serampore Women Police Station except

for the purpose of attending the Court proceedings and reporting to the Inspector-in-Charge of concerned Police Station. The petitioner 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 under whose jurisdiction he shall presently reside.

The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

Accordingly, **CRM (M) 33 of 2025** is disposed of.

(Bivas Pattanayak, J.)