

16.05.2025
Item No.3(DL)
Court No.39
srm
(Allowed)

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

C.R.M.(M) 277 of 2025

In re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with GR Case No.232 of 2025 arising out of Tapan Police Station Case No.72 of 2025 dated 04.02.2025 under Sections 137(2)/65(1)/140(3)/142 of the Bharatiya Nyaya Sanhita read with Section 6 of the Protection of Children from Sexual Offences Act and Section 9 of the Prohibition of Child Marriage Act pending before learned Special Judge, (under POCSO Act) cum-ADJ, 2nd Court, Balurghat, Dakshin Dinajpur;

-And-

In the matter of : Bibhas Biswas

... Petitioner

Mr. Kaushik Choudhury,
Mr. Rakesh Jana

...for the Petitioner.

Mr. Kunal Ganguly

... for the State.

Ms. Tannistha Bandyopadhyay

...for the *de facto* complainant.

Learned Advocate for the petitioner submits that the victim and the petitioner had love affairs. The victim left her house out of her own accord and married the petitioner. There are no such incriminating materials. The petitioner is in custody for 90 days and upon completion of investigation charge sheet has already been submitted in this case. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State opposes such prayer for bail and submits that the victim at the time of incident was 15

years of age and the petitioner was involved in sexual assault upon the victim which is supported by the medical examination report. He seeks for dismissal of the bail application.

Similar submission is also advanced on behalf of the *de facto* complainant as that of the learned Advocate for the State.

Perused the case diary and the materials on record.

The statement of the victim shows that she had relationship with the petitioner. There are no such allegations of any forcible penetrative sexual assault. The petitioner is in custody for 90 days. Upon completion of investigation, charge sheet has already been submitted. In view of the above, I am inclined to grant bail to the petitioner on stringent conditions.

Accordingly, the petitioner, namely, **Bibhas Biswas**, 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 Special Judge (under POCSO Act) cum-ADJ, 2nd Court, Balurghat, Dakshin Dinajpur. 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 meet the Officer-in-Charge of Tapan Police Station once in a fortnight, until further orders. The petitioner shall not enter within the territorial jurisdiction of Tapan Police Station except for the purpose of attending court proceedings and for reporting to the

Officer-in-Charge of the concerned Police Station, until further orders. 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.

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.

Accordingly, the application for bail being **CRM (M) 277 of 2025** is disposed of.

(Bivas Pattanayak, J.)