

07.05.2025

Sl No.3

Ct. No.39

ss

(Allowed)

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

CRM (R) 26 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.41 of 2025 dated 21.02.2025 under Section 75/351(2) of the BNS, 2023 and Section 8/12 of POCSO Act, 2012 now numbered as POCSO Special 48 of 2025 inadvertently written as POCSO being No.29/25 in the certified copy pending before the learned Judge, Special POCSO Court, Barrackpore, North 24-Parganas.

And

In Re : Swapan Paul

.....Petitioner

Mr. Debasis Kar
Mr. Hosen Mustafi

.....for the Petitioner

Mr. Aniket Mitra
Mr. Aritra Bhattacharya

.....for the State

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

Learned Advocate for the petitioner submits that the petitioner has been falsely implicated in this case. There are no such incriminating materials and upon completion of investigation, charge sheet has been submitted under Section 8/12 of the POCSO Act and under Section 75/351(2) of the BNS, 2023. The petitioner is in custody for last 74 days. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail learned Advocate for the State submits that the victim specifically implicates the petitioner of his involvement of the alleged offence. He seeks for dismissal of the bail application.

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

Perused the case diary and the materials on record.

The victim alleges of certain act the veracity of which may be tested and examined in trial. Be that as it may, upon completion of investigation, charge-sheet has already been submitted under Section 8/12 of the POCSO Act and under Section 75/351(2) of the BNS, 2023 and the petitioner is in custody for last 74 days. Considering the above, I am inclined to enlarge the petitioner on bail on stringent conditions.

Accordingly, the petitioner, namely, **Swapan Paul**, 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 subject to condition that the petitioner shall report to the Inspector-in-Charge of concerned Police Station once in a fortnight until further orders. The petitioner shall not enter the jurisdiction of Halisahar police station except for the purpose of attending 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 learned 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.

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 (R) 26 of 2025** is disposed of.

(Bivas Pattanayak, J.)