

30.06.2025
Item No.11
Court No.42
ss
(Allowed)

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

C.R.M.(M) 521 of 2025

In re : An Application under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 corresponding to Section 439
of the Code of Criminal Procedure, 1973 in connection with ST
Case No.06(09) 2023, corresponding to Special Case No.106 of
2023 arising out of Amdanga Police Station Case No.360 of
2023 dated 23.06.2023 under Section 376 of Indian Penal Code
read with Section 4 of the Protection of Children from Sexual
Offences Act, 2012 subsequently charge sheet being charge
sheet no.504 of 2023 submitted under sections 376(3) of Indian
Penal Code read with Section 6 of Protection of Children from
Sexual Offences Act, 2012 and now pending before the Learned
Judge, Special POCSO Court, Barasat, North 24 Parganas.

-And-

In the matter of : XXX

... Petitioner

Mr. Manas Kumar Das
Mr. Siddhartha Sarkar
Mr. Aritra Kumar Thokdar

...for the petitioner

Ms. Baisali Basu
Ms. Trina Mitra

...for the State

Mr. Amit Ranjan Pati
Ms. K. Kubra

...for the *de facto* complainant

Learned Advocate for the petitioner submits that the victim
and the petitioner had love affairs. There are no such allegations
of any forcible penetrative sexual assault. The family members of
the petitioner as well as the victim have decided to solemnize
marriage of the petitioner and the victim. Upon completion of
investigation, charge sheet has been submitted in this case. The

petitioner is in custody for more than 1 year. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State, opposing such prayer for bail, submits that there are allegations against the petitioner of committing sexual intercourse with the victim. Due to such sexual intercourse the victim became pregnant, which has to be terminated. She seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant leaves the matter to discretion of this Court.

Perused the case diary and the materials on record.

It is found from the statement of the victim that there are no such allegations of any forcible act on the part of the petitioner upon her and the victim had love affairs with the petitioner. Upon completion of investigation, charge-sheet has already been submitted. The petitioner is in custody for more than 1 year. Considering the above, I am inclined to grant bail to the petitioner.

Accordingly, the petitioner 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, Barasat, 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 meet the Inspector-in-Charge of Amdanga Police Station once in a fortnight, until further orders. The petitioner shall not enter within the territorial jurisdiction of Amdanga Police Station except for the purpose of attending court proceedings and for reporting to the Inspector-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 Inspector-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 their bail in accordance with law without further reference to this Court.

It is made clear that the observations made hereinabove are only for the disposal of the instant application.

Accordingly, the application for bail being **CRM (M) 521 of 2025** is disposed of.

(Bivas Pattanayak, J.)