

10.07.2025
Item No.14(DL)
Court No.42
srm
(Allowed)

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

C.R.M.(M) 764 of 2025

In re : An Application for Bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Spl Case No.50 of 2025 arising out of Lake Town Police Station Case No.81 of 2025 dated 21.03.2025 under Sections 126(2)/115(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Section 8 of the Protection of Children from Sexual Offences Act, 2012 pending before the learned Special (POCSO) Court at Barasat, North 24-Parganas;

-And-

In the matter of : XXXX

... Petitioner

Mr. Zohaib Rauf,
Mr. Abdul Zahid

...for the Petitioner.

Mr. Sanjay Bardhan,
Mr. Soumyadip Saha

... ...for the State.

Mr. T.K. Mukherjee,
Sk. Abu Abbas Uddin

...for the *de facto* complainant.

Learned Advocate for the petitioner submits that over property dispute the petitioner who is the uncle of the victim has been falsely implicated in this case. This case is a counter blast to a complaint lodged by the co-accused Rajat Yadav on 18th March, 2025. The written complaint though records of an incident on 15th March, 2025 but has been lodged on 21st March, 2025 without any plausible reason of such unexplained delay. The petitioner is in custody for 111 days and after completion of

investigation charge sheet has already been submitted in this case. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the victim implicates this petitioner of inappropriately touching her. He seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant also opposes such prayer and submits that upon completion of investigation on the *prima facie* materials collected during investigation against the petitioner, charge sheet has been submitted. The victim implicates the petitioner. He also seeks for dismissal of the bail application.

Perused the case diary and the materials on record.

The victim in her statement implicates the petitioner “*bad touch*”. Materials show that there is case and counter-case lodged by the parties. In such backdrop, the intention of the petitioner may be examined and assessed in trial. The petitioner is in custody for 111 days and upon completion of investigation charge sheet has already been submitted. Considering the above, I am inclined to grant bail to the petitioner on stringent conditions.

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 Special Judge (POCSO) Court at 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 Officer-in-Charge of Lake Town Police Station once in a fortnight, until further orders. The petitioner shall not enter within the territorial jurisdiction of Lake Town 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.

It is made clear that the observation made hereinabove is only for the sake of disposal of this application.

Accordingly, the application for bail being **CRM (M) 764 of 2025** is disposed of.

(Bivas Pattanayak, J.)