

C. R. M. (R) 45 of 2025

In Re: An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 23.05.2025 in connection with Dumdum Police Station Case No.460 of 2024 dated 17.12.2024 under Sections 8/12 of the POCSO Act, 2012 pending at POCSO Court at Barrackpore as POCSO-319 of 2024.

And

In Re: **Utpal Biswas**

... .. Petitioner

Mr. Subhajit Chowdhury

... .. for the petitioner

Ms. Sukanya Bhattacharya,
Ms. Pushpita Saha

... .. for the State

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Despite service none appears for the *de facto* complainant.
3. The present petitioner is in custody for five months in connection with Dumdum Police Station Case No.460 of 2024 dated 17.12.2024 under Sections 8/12 of the POCSO Act, 2012.
4. Learned counsel for the petitioner submits that he is in long custody. The investigation of the police has already ended in charge-sheet so he may be enlarged on bail on any condition.
5. Learned counsel for the State has placed the C.D. and submits that there is glaring evidence for involvement of the present petitioner in the alleged offence. At this juncture, if he is enlarged on bail the trial would vitiate.
6. Having heard learned counsel for the parties and also considering the statement of the victim girl recorded under Section 180 BNSS and also considering the medical examination report of the victim girl as well as the statement of the victim girl recorded before the Magistrate concerned, I find some glaring evidences in the C.D.

regarding involvement of the petitioner in the alleged offence. At this juncture, I find no justification to enlarge the petitioner on bail.

7. Accordingly, the prayer for bail of the petitioner is considered and rejected.

(Subhendu Samanta, J.)