

18.06.2025
SL No.12
Court No.32
S.Gayen

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

C.R.M.(M) 693 of 2025

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bhimpur Police Station Case No. 74 of 2025 dated 09.03.2025 under sections 64/351(2) of the Bharatiya Nyaya Sanhita, 2023 read with Section 6 of the POCSO Act, 2012.

-And-

In the matter of: Brindaban Biswas

...Petitioner

Mr. Jaydeep Biswas
Mr. Sumanta Das
Mr. Milan Das

...for the Petitioner

Ms. Baisali Basu
Mr. Debanshu Ghorai

...for the State

Mr. Manas Kumar Das

...for the *de facto* complainant

1. This instant application has been filed with a prayer for bail.
2. Learned counsel appearing on behalf of the petitioner has submitted that nothing has been revealed during investigation against the petitioner. It is also submitted that the materials collected during investigation does not attract the offence under Section 6 of the POCSO Act.
3. Learned counsel appearing on behalf of the State has referred to the statement recorded under Section 180 of BNSS (161 of CrPC) as well as statement under Section 183 of BNSS (164 of CrPC)

and submits that there are contradictions between two statements made by the victim.

4. Learned counsel appearing on behalf of the *de facto* complainant has submitted that in case of allowing the bail application necessary condition be imposed so that the petitioner cannot enter into the jurisdiction of Bhimpur Police Station.
5. I have gone through the statement of the victim recorded particularly under Section 183 of BNSS (164 of CrPC) and considering all facts and circumstances appearing in the evidence collected during investigation and the period of custody of the peittioner, without making any observation on the merit of the case, the instant application for bail stands **allowed**.
6. Accordingly, let the petitioner viz., **Brindaban Biswas** be released on bail upon furnishing a bond of Rs.50,000/- (Rupees Fifty Thousand only), with two registered sureties of Rs. 25,000/- (Rupees Twenty Five Thousand only) each, one of whom must be local, to the satisfaction of the **Learned Additional Judge, Special Court** under **POCSO Act, Nadia, Krishnanagar**.
7. The following conditions be imposed:
 - i) Petitioner shall not enter into the jurisdiction of Bhimpur Police Station until further order of the Court;
 - ii) Petitioner shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever;
 - iii) Petitioner shall appear before the learned Trial Court on every date fixed by the Court for trial unless exempted for the interest of justice.

8. In the event, the petitioners fail to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without further reference to this Court.
9. The application for bail being **C.R.M. (M) 693** of **2025** stands disposed of.
10. The case diary be returned to the learned counsel appearing on behalf of the State.

(Bibhas Ranjan De, J.)