

10.07.2025
Item no.9
Court No.42
ss
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 743 of 2025

In re : An Application for Bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Patharpratima Police Station Case No.53/2024 dated 15.02.2024 under Section 363/365 of the Indian Penal Code (corresponding to Spl. POCSO-11/2024) subsequently charge sheet has been submitted under Sections 363/365/376(2)(1)/506 of the Indian Penal Code and Section 06(01) of the Protection of Children from Sexual Offences Act, 2012 (corresponding to Spl. S.T. Case No.03(12) 2024) pending before the Additional District and Session Judge, 1st Court and Special Court under Protection of Children from Sexual Offences Act, 2012 (POCSO), Kakdwip, District South 24 Parganas.

-And-

In the matter of : **Shubhasish Maity @ Taplu @ Dablu**
... .. **Petitioner**

Mr. Ayan Basu,
Mr. Sandip Kumar Mondal,
Mr. Sumit Routh
... .. For the Petitioner

Mr. Subhamay Bhattacharya,
Ms. Nahid Ahmed
... ..For the State

Ms. Reshmi Khatun
...for the *de facto* complainant.

Service report filed on behalf of the State is taken on record.

Petitioner renews his prayer for bail.

Learned Advocate for the petitioner submits that the victim has not implicated the petitioner of any such sexual assault upon her during her examination in court. The petitioner is in custody for more than 1 year 4 months. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State, opposing such prayer for bail, submits that the victim before the Magistrate has implicated the petitioner. The medical report is supportive of such fact. He seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant does not raise any objection.

Perused the case diary and the materials on record.

Although the victim in her statement under Section 164 Cr.P.C. implicates this petitioner, however, during her examination in court she has not implicated the petitioner of any such sexual assault upon her. The petitioner is in custody for more than 1 year 4 months. Considering the above, I am inclined to grant bail to the petitioner on stringent conditions.

Accordingly, the petitioner, namely **Subhasish Maity @ Taplu @ Dablu**, 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 Court, under POCSO Act, Kakdwip, South 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 Patharpratima Police Station once in a fortnight, until further orders. The petitioner shall not enter within the territorial jurisdiction of Patharpratima 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 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) 743** of **2025** is disposed of.

(Bivas Pattanayak, J.)