

01.07.2025
Item No.3
Court No.42
ss
(Allowed)

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

C.R.M.(R) 72 of 2025

In re : An Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Chanchal Police Station Case No.92 of 2025 dated 23.01.2025 under Sections 110/115(2)/118(1)/3(5)/303(2)/324(4)/329(4)/351(3)/74 of the Bharatiya Nyaya Sanhita, 2023 and Section 8 of POCSO Act and subsequently charge-sheet no.288 of 2025 under Sections 329(4)/115(2)/351(3)/74 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Section 8 of the POCSO Act, 2012 now pending before the learned Judge, Special (POCSO) Court, Chanchal, Malda in connection with Special Case No.09 of 2025..

-And-

In the matter of : XXX and XXX

... Petitioners

Mr. Soupal Chatterjee
Mrs. Mekhla Kar

...for the petitioners

Ms. Baisali Basu
Ms. Mamata Jana

...for the State

Mr. Anupam Das

... for the *de facto* complainant

Learned Advocate for the petitioners submits that due to long standing civil disputes between the petitioners and the family of the victim, the petitioners have been falsely implicated in the present case. Upon completion of investigation, charge-sheet has been submitted in this case. The petitioners are in

custody for 45 days. He seeks for enlargement of the petitioners on bail.

Learned Advocate for the State, opposing such prayer for bail, submits that the victim has categorically implicated the petitioners, which is also supported by the medical evidence. She seeks for dismissal of the bail application.

Learned Advocate appearing on behalf of the *de facto* complainant leaves the matter to the discretion of this Court.

Perused the case diary and the materials on record.

From the statement of the victim made under Section 164 Cr.P.C. it is found that there are allegations of attempt. The injuries on the person of the victim is due to assault as has been noted therein. Upon completion of investigation, charge-sheet has already been submitted. The petitioners are in custody for 45 days. Considering the above, I am inclined to grant bail to the petitioners.

Accordingly, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand) each, with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Judge Special (POCSO) Court, Chanchal, Malda. The petitioners 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 petitioners shall meet the Officer-in-Charge of Chanchal Police Station once

in a fortnight, until further orders. The petitioners shall not enter within the territorial jurisdiction of Chanchal 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 petitioners shall furnish the addresses where they shall presently reside before the learned trial court, the investigating officer and the Officer-in-Charge of the police station under whose jurisdiction they shall presently reside.

In the event the petitioners fail 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 observation made hereinabove is only for the sake of disposal of this application.

Accordingly, the application for bail being **CRM (R) 72 of 2025** is disposed of.

(Bivas Pattanayak, J.)