

24.07.2025
Item no.13
Court No.42
ab

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(M) 939 of 2025

In Re:- An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Tapan Police Station Case No.71 of 2025 (G.R. No.31 of 2025) dated February 3, 2025 under Sections 137(2) of the BNS, 2023 corresponding to charge sheet dated March 31, 2025 under Sections 137(2) with adding Section 140(3)/65(1)/61(2)(a) of the BNS, 2023 and Sections 6/17 of the POCSO Act, 2012 out of where the Charge was framed on May 6, 2025 under Sections 137(2)/140(3)/64(1) of the BNS, 2023 pending before the learned Special Judge, (under POCSO Act) cum Additional District Judge, 2nd Court, Balurghat, Dakshin Dinajpur.

And

In Re : WWW

.... Petitioner

Mr. Uday Sankar Chattopadhyay
Mr. Santanu Maji,
Ms. Bidisha Chakraborty
Ms. Sadia Parveen

..... for the petitioner

Mr. Kaushik Kundu
Ms. Debadrita Mondal

... for the State

Learned Advocate for the petitioner submits that the victim and the petitioner had love affairs and the victim left her house out of her own accord. There are no such incriminating materials against the petitioner. The victim has refused to undergo medical examination. The petitioner is in custody for about 160 days and upon completion of investigation, charge sheet has already been submitted in the present case. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State, opposing such prayer for bail, submits that the petitioner took away the victim and had

physical relationship with the minor victim. He seeks for dismissal of the bail application.

Despite service, none appears on behalf of the victim/*de facto* complainant.

Perused the case diary and the materials on record.

It is found from the statement of the victim that she left her house with the present petitioner out of her own accord. There are no such allegations of any forcible sexual assault. The victim has refused to undergo medical examination. The petitioner is in custody for about 160 days and upon completion of investigation, charge sheet has already been submitted in the present case. 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, (under POCSO Act) cum Additional District Judge, 2nd Court, Balurghat, Dakshin Dinajpur. 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 Tapan Police Station once in a fortnight, until further orders. The petitioner shall not enter within the territorial jurisdiction of Tapan 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 addresses 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) 939 of 2025** is disposed of.

(Bivas Pattanayak, J.)