

18.07.2025
Sl No.9
Ct. No.42
ss
(Allowed)

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

CRM (M) 965 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Howrah Police Station Case No.424 of 2023 dated 27.12.2023 under Sections 305/313/120B/34 of the Indian Penal Code and Section 6 of POCSO Act, 2012 pending before the learned Judge, Special (POCSO) Court, Howrah.

And

In Re : Jolly Biswas

.....Petitioner

Mr. Md. Wasim Akram

.....for the Petitioners

Mr. Antarikshya Basu
Mr. Arup Sarkar

.....for the State

Mr. Arindam Jana
Mr. Sumitava Chakraborty
Ms. Bratati Pramanick
Mr. Yuvraj Chatterjee

... for the *de facto* complainant

Learned Advocate for the petitioner submits that the petitioner is the maternal aunt of the principal accused. The principal accused and the victim girl got involved in physical relationship, resulting in pregnancy of the victim. The child in the womb got aborted and the victim was admitted to Bellview Nursing Home at Tamluk with the consent of the mother of the victim. This petitioner being a close relative of the principal accused has tried to save the victim from death. There is no such criminal intent on the part of the petitioner. The petitioner surrendered before the court after submission of

charge-sheet. The present petitioner stands on the same footing as the parents of the principal accused who have been granted bail by this Hon'ble Court. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State opposing such prayer for bail submits that there are allegations against this petitioner of taking active part in aborting the child in the womb of the victim and also taking the victim to the Bellview Nursing Home at Tamluk for such abortion. The anticipatory bail of this petitioner was rejected way back on 28th March, 2024 and after a lapse of considerable period on 4th June, 2025 the petitioner surrendered before the court. Thus, the present petitioner does not stand on the same footing as of the parents of the principal accused. He seeks for dismissal of the bail application.

Learned Advocate representing the *de facto* complainant submits that the petitioner has tried to shield the principal accused, by taking the victim to the hospital to have the child aborted and ultimately it resulted in death of a minor victim. He also indicates that this petitioner does not stand on the same footing as after rejection of her prayer for anticipatory bail she absconded for a considerable period prior to surrendering in the month of June, 2025 and, therefore, she cannot be extended the benefit of bail. In light of the above, he seeks for dismissal of the application for bail.

Perused the case diary and the materials on record.

At the outset, upon going through the medical report of Bellview Nursing Home at Tamluk it appears that the victim

had spontaneous miscarriage. The complicity of the present petitioner so far as the allegation of forcing the victim to abortion is concerned, may be examined and tested in trial. Be that as it may, upon completion of investigation, charge-sheet has been submitted in this case under Sections 313/120B/34 of the Indian Penal Code against the petitioner. The petitioner is in custody for 45 days. Considering the above and also bearing in mind the period of detention I am inclined to enlarge the petitioner on bail.

Accordingly, the petitioners, namely, **Jolly Biswas**, 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, Howrah. 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.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail of the petitioner 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) 965 of 2025*** is disposed of.

(Bivas Pattanayak, J.)