

25.07.2025
Item no.8
Court No.42
ss
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (R) 93 of 2025

In re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Barrackpore Police Station Case No.60 of 2025 dated 23.06.2025 under Sections 329(4)/324(4)/115(2)/74/3(5) of the Bharatiya Nyaya Sanhita and Section 12 of the Protection of Children from Sexual Offences Act, 2012 presently pending before the learned Judge, Special Court, under POCSO Act Barrackpore, North 24-Parganas.

-And-

In the matter of : XYZ

... Petitioner

Mr. Debasis Kar
Mr. Arka Tilak Bhadra

...for the petitioner

Mr. Md. Adil Badr
Mr. Aninda Sundar Chatterjee

... ..For the State

Mr. Husen Mustafi

... for the *de facto* complainant

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned Advocate for the petitioner submits that there is no such allegation of sexual assault. The case has arisen out of misunderstanding and family dispute. The petitioner is the maternal uncle of the victim and he is in custody for 14 days. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State, opposing such prayer for bail, submits that the victim was forced out of the bathroom while she was not wearing her *pant*. He seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant leaves the matter to the discretion of this Court.

Perused the case diary and the materials on record.

The victim in her statement states that she was forcibly taken out of the bathroom by the grandmother of the victim. The petitioner is the maternal uncle of the victim. Though there are allegations of assault, but there are no such allegations of sexual assault. Considering the above, I am inclined to grant bail to the petitioner.

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 Judge, Special Court under POCSO Act Barrackpore, North 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 Barrackpore Police Station once in a fortnight, until further orders.

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 (R) 93 of 2025** is disposed of.

(Bivas Pattanayak, J.)