

23.07.2025
Item no.2(DL)
Court No.42
srm
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(R) 92 of 2025

In Re:- An application 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 Nyay Sanhita, 2023 and Section 12 of the Protection of Children from Sexual Offences Act, 2012 corresponding to POCSO No.142 of 2025 now pending before the learned Judge, Special Court, POCSO Act, Barrackpore, North 24-Parganas.

And

In Re : XYZ

Mr. Debasis Kar

.... Petitioner

..... for the Petitioner

Ms. Manisha Sharma,
Ms. Baishakhi Chatterjee

... for the State

Mr. Husen Mustafi,
Ms. Suhana Parvin

...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 out of misunderstanding this case has been lodged. The petitioner is the grandmother of the victim. There are no such allegations of any sexual assault. The petitioner is in custody for 24 days. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State submits that the victim was not allowed to use the bathroom and was pulled out of the bathroom by the petitioner forcibly when she was not wearing her pant. She seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant submits that in relation to family dispute this case has been initiated. The *de facto* complainant has no objection, if bail is granted in favour of the petitioner, who is the grandmother of the victim.

Perused the case diary and the materials on record.

The victim in her statement has stated that she was not allowed to use the bathroom by this petitioner and she was forced out from the bathroom. Although there are allegations of assault, however, 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 Court of Special Judge, 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.

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 her 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) 92 of 2025** is disposed of.

(Bivas Pattanayak, J.)