

28.07.2025
Item No.14.
Daily List
Court No.42
Mithun
(Allowed)

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

CRM (M) 1160 of 2025

In Re: An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023/ under Section 439 of the Cr.P.C., 1973 in connection with Berhampore Police Station Case No.1332 of 2023, dated 13.09.2023, under Sections 363/365 of the Indian Penal Code, 1860 with added Sections 376/195A/506/34 of Indian Penal Code, 1860 read with Section 4 of Protection of Children from Sexual Offences Act, (POCSO) 2012 (corresponding to C. Special Case no.115 of 2023) currently pending before the Court of learned Judge, Special Court under POCSO Act, Berhampore, Murshidabad.

-And-

In the matter of : Chhoton Chowdhury @ Chaton Chowdhury
... Petitioner

Mr. Ali Ahsan Alamgir,
Ms. Rabia Khatoon,
Ms. S. Mal,
Ms. June Modak

...for the petitioner

Mr. Saibal Bapuli, Ld. APP,
Mr. Aritra Bhattacharya

... ...For the State

Petitioner renews his prayer for bail.

Affidavit-of-service filed on behalf of the petitioner along with the copy of Track Consignment Report downloaded on 28th July, 2025 is taken on record.

Learned Advocate for the petitioner submits that the victim and the petitioner had love affairs. The victim in her evidence did not implicate the petitioner. The petitioner is in custody for one year three months and 25 days. The vulnerable

witnesses have already been examined. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that there are incriminating materials against the petitioner. He seeks for dismissal of the bail application.

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

Perused the case diary and the materials on record.

From the statement of the victim, it appears that the victim had relationship with the petitioner and she was forced to leave her house with the petitioner. Be that as it may, in her cross-examination, the victim has stated that she left her house willingly and she had love affairs with the petitioner. The petitioner is in custody for one year three months and 25 days and the vulnerable witnesses have been examined. Considering the above, I am inclined to enlarge the petitioner on bail on stringent conditions.

The petitioner, namely, **Chhoton Chowdhury @ Chaton Chowdhury** 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, Murshidabad at Berhampore subject to condition that the petitioner shall report to the Inspector-in-Charge of the concerned Police Station once in a fortnight until further orders. The petitioner shall not enter the jurisdiction of Berhampore Police Station except for the purpose of attending court proceedings and reporting to the Inspector-in-Charge of the concerned Police Station. The

petitioner shall furnish the address 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. The petitioner shall appear before the learned Trial Court on each and every date fixed and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fail to comply with the conditions as enshrined hereinbefore, it is open to the trial Court to cancel the bail 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, **CRM (M) 1160 of 2025** is disposed of.

(Bivas Pattanayak, J.)