

18.08.2025
Item no.4
Court No.42
ss
(Allowed)

HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (M) 1301 of 2025

In re : An Application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with
Nakashipara Police Station Case No.152 of 2025 dated
14.02.2025, under Sections 137(2)/351(3)/87/351(2)/3(5) of the
Bharatiya Nyay Sanhita, 2023 and Sections 9/6 of the
Protection of Children from Sexual Offences Act, 2012,
corresponding to POCSO Case No.29 of 2025, now pending
before the learned Judge, Special Court, POCSO Act,
Krishnagar, Nadia.

-And-

In the matter of : XXXXX

... .. Petitioner

Mr. Dipanjan Chatterjee
Mr. Prabir Majumder
Mr. Snehansu Majumder
Mr. Debraj Shil
Ms. Rimpa Adhikari
Mrs. Kakan Das

... For the Petitioner

Ms. Shaila Afreen,
Ms. Debadrita Mondal

...For the State

Mr. Sumanta Das

... for the *de facto* complainant

Service report has not been filed by the State in terms of
order dated 8th August, 2025. However, the *de facto* complainant
is represented by learned advocate.

Accordingly, the bail application is taken up for hearing
and consideration.

Learned Advocate for the petitioner submits that the
petitioner has been falsely implicated in this case. There are no
such allegations of any forcible act. The age of the victim has not
been established to attract the offence punishable under the
POCSO Act. The petitioner is in custody for 126 days and upon

completion of investigation charge sheet has been submitted. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State, opposing such prayer for bail, submits that the victim was kidnapped and kept in a confinement for a period of 1½ months and she was ravished. As per birth certificate of the victim she was minor at the time of incident. She seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant submits in similar fashion as advanced by the State.

Perused the case diary and the materials on record.

The victim alleges of kidnapping by the petitioner and his family members and keeping her in a confinement. Be that as it may, she has been released in the compound of the police station by the petitioner. More so, though there is statement of physical relationship by the petitioner with the victim but neither there are any allegations of forcible act nor the medical examination shows of any notable injury. Further the victim in her statement states that she used to talk to her family members over phone while in confinement. However, no complaint of such wrongful confinement and kidnapping is lodged immediate thereto. In such backdrop, the complicity of the petitioner in the offence alleged may be examined in trial. Petitioner is in custody for 126 days and after completion of investigation, charge-sheet has already been submitted. 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 Judge, Special Court, POCSO Act, Krishnagar, Nadia. 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 Nakashipara Police Station once in a fortnight, until further orders. The petitioner shall not enter the jurisdiction of Nakashipara Police Station except for the purpose of attending court proceedings and reporting to the Inspector-in-Charge of 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 concerned 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) 1301** of **2025** is disposed of.

(Bivas Pattanayak, J.)