

08.08.2025
Item no.7
Court No.42
ss
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 1219 of 2025

In Re:- An application under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in Special Case No.26 of 2025
arising out of Chanchal Police Station Case No.378 of 2025
dated 26.03.2025 for the offence punishable under Section 4 of
POCSO Act currently pending before the Court of learned Judge,
Special Court (under POCSO Act), Chanchal, Malda.

And

In Re : Babar Ali

.... Petitioner

Mr. Soupal Chatterjee

..... for the petitioner

Ms. Shaila Afreen

Mr. Prakash Mishra

... for the State

Mr. Anupam Das

... for the *de facto* complainant

Service report filed on behalf of the State is taken on
record.

Learned Advocate for the petitioner submits that the
victim and the petitioner had previous love affairs. There are no
such incriminating materials against the petitioner. The
petitioner is custody for more than 140 days and upon
completion of investigation, charge-sheet has been submitted in
this case. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the
State submits that there is implication made by the victim
against the petitioner. He seeks for dismissal of the bail
application.

Learned Advocate for the *de facto* complainant concedes that there was love relationship between the *de facto* complainant and the petitioner and out of misunderstanding, case has been initiated. He leaves the matter to the discretion of this Court.

Perused the case diary and the materials on record.

The statement shows that the victim had previous acquaintance with the petitioner. There is no such allegation of any penetrative sexual assault. The medical examination report does not show of any notable injuries excepting scratch marks. The petitioner is in custody for more than 140 days and upon completion of investigation, charge-sheet has been submitted in this case. Hence, this Court is inclined to grant bail to the petitioner on stringent conditions.

Accordingly, the petitioner, **Babar Ali**, 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, Chanchal, Malda. 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 Chanchal Police Station once in a fortnight, until further orders. The petitioner shall not enter the jurisdiction of Chanchal 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) 1219** of **2025** is disposed of.

(Bivas Pattanayak, J.)