

11.08.2025
Item No.16.
Daily List
Court No.42
Mithun
(Allowed)

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

CRM (M) 1266 of 2025

In Re:- An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with POCSO Case No.53 of 2025 (Pretrail Case No.330 of 2025) arising out of Bamongola Police Station Case No.42 of 2025 dated 24.03.2025 under Sections 137(2)/140(3) of Bharatiya Nyaya Sanhita, 2023 and subsequently Charge Sheeted under Section 4 of the Protection of Children from Sexual Offences Act, 2012 pending before the learned Judge, Special Court under POCSO Act at Malda thereby rejecting the prayer for bail of the petitioner.

-And-

In the matter of : Pabitra Mahato

... Petitioner

Mr. Mrityunjoy Chatterjee,
Mr. Manas Das,
Mrs. Suchismita Chatterjee,
Mr. Arindam Poali

... For the Petitioner

Mr. Saibal Bapuli, APP,
Mr. Raju Mondal

... For the State

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

Learned Advocate for the petitioner submits that there are no incriminating materials against the petitioner. He is in custody for 103 days and after completion of investigation, charge-sheet has been submitted in this case. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State opposes such prayer.

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

Perused the case diary and the materials on record.

The victim in her statement does not implicate this petitioner of any forcible sexual intercourse. The victim left her house out of her own accord. The petitioner is in custody for 103 days. Upon completion of investigation, charge-sheet has been submitted in this case. Considering the above, I am inclined to enlarge the petitioner on bail on stringent conditions.

The petitioner, namely, **Pabitra Mahato** 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 at Malda 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 Bamongola 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) 1266 of 2025*** is disposed of.

(Bivas Pattanayak, J.)