

21.08.2025
Item no.6(DL)
Court No.42
AN
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(M) 1366 of 2025

In Re:- An Application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Ratua Police Station Case No. 414 of 2025 dated 28.05.2025, (Special Case No. 55 of 2025) under Section 137(2) the Bharatiya Nyaya Sanhita read with Section 6 of the Protection of Children from the Sexual Offences Act presently pending before the learned Judge, Special Court, Chanchal, Malda.

And

In Re : Bhaskar Mandal

.... Petitioner

Mr. Joydeep Biswas,
Mr. Arup Sarkar,
Mrs. Shibani Agarwal,
Mr. Koushik Ghosh

... for the Petitioner

Mr. Arijit Ganguly,
Ms. Sonali Bhar

... for the State

Ms. Jenifar Alam Megha

... for the *de facto* complainant

1. Service report filed by the State is taken on record.
2. Learned Advocate for the petitioner submits, at the very outset referring to the order of the learned trial court dated 01.08.2025, that upon perusal of the materials on record, the Court has observed that the victim at the time of incident was more than 18 years of age. However, the question of victim being minor on the date of incident has been kept open to be decided at the time of framing the charges. Be that as it may, the victim and the petitioner had love affairs and in her statement, at the first instance, she

has categorically stated before the investigating agency that she left the house out of her own accord and married the petitioner. There is improvement in the statement of the victim made before the Magistrate subsequently. The victim has refused to undergo medical examination. The petitioner is in custody for more than two months. Upon completion of investigation, charge sheet has been submitted. He seeks for enlargement of the petitioner on bail.

3. Learned counsel for the State, opposing such prayer for bail, submits that the victim was threatened by the petitioner to leave her house and thereafter she was ravished. The victim has been recovered by the investigating agency from the 'Kalitala Bazar' under Ratua Police Station. As per the birth certificate of the victim, she was a minor at the time of incident. He seeks for dismissal of the bail application.

4. Learned counsel appearing for the *de facto* complainant also opposes such prayer for bail and submits that the victim was a minor at the time of incident and she was taken away forcibly by the petitioner to his house. She also seeks for dismissal of the bail application.

5. Perused the case diary and the materials on record.

6. The victim in her statement before the investigating agency has stated that she had love affair with the petitioner for last 3/4 years and they intended to marry each other. However, in her subsequent statement under Section 164 of the Criminal Procedure Code before the Magistrate she stated that she was threatened and taken away by the

petitioner and the petitioner entered into physical relationship with her. Be that as it may, the victim has refused to undergo medical examination. The petitioner is in custody for more than two months. Upon completion of investigation, charge sheet has already been submitted. Considering the aforesaid, I am inclined to enlarge the petitioner on bail on the following conditions.

7. As far as the question of the victim's minority is concerned, I recuse from making any observation in this regard, since the learned trial court has kept it open to be decided during consideration of charge.
8. Accordingly, the petitioner, namely, **Bhaskar Mandal** 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, Chanchal, Malda. The petitioner shall appear before the learned 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 victim, witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall meet the Inspector-in-Charge of Ratua Police Station once in a fortnight, until further orders. The petitioner shall not enter the territorial jurisdiction of Ratua Police Station except for the purpose of attending court proceedings and for reporting to the Inspector-in-Charge of the concerned Police Station, until further orders. The

petitioner shall furnish the address where he shall presently reside before the learned trial court, the investigating officer and the Officer-in-Charge of the police station under whose jurisdiction he shall presently reside.

9. 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.
10. It is made clear that the observation made hereinabove is only for the sake of disposal of this application.
11. Accordingly, the application for bail being **CRM (M) 1366 of 2025** is disposed of.

(Bivas Pattanayak, J.)