

21.08.2025
Item no.8(DL)
Court No.42
AN
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(M) 1378 of 2025

In Re:- An Application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Special S.T. No. 16(6) of 2025 being Special Case No. 133 of 2025 corresponding to Watgunge Police Station Case No. 71 dated 12.03.2025 under Section 6 of the Protection of Children from the Sexual Offences Act and Section 351(2) of the Bharatiya Nyaya Sanhita, 2023 presently pending before the learned 2nd Court of the Additional Sessions Judge, Alipore, South 24 Parganas.

And

In Re : Sewbachan Yadav alias Dharamnath Yadav
.... Petitioner

Mr. Anand Keshari,
Ms. Soumili Choudhury
Ms. Pubali Debnath
... for the Petitioner

Mr. Saryati Dutta
Mr. Dipankar Mahata
... for the State

Ms. Tanistha Bandopahyay
... for the *de facto* complainant

1. Service report filed by the State is taken on record.
2. Learned Advocate for the petitioner submits that as there is a long standing landlord tenant dispute between petitioner and the victim's family, he has been falsely implicated in this case. There are no such injuries sustained by the victim as would be evident from the medical examination report. The petitioner is in custody for 111 days and upon completion of investigation, charge

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

3. Learned counsel representing the State opposes such prayer for bail and submits that the victim implicates the petitioner. He seeks for dismissal of the application for bail.
4. Learned counsel appearing for the *de facto* complainant also opposes such prayer for bail and submits that there are constant threats from the side of the petitioner. He seeks for dismissal of the bail application.
5. Perused the case diary and the materials on record.
6. The victim in his statement though implicates the petitioner of doing certain “*ganda kam*”, however, does not specify the act. Further, the medical examination report does not reveal of any such notable injuries. The petitioner is in custody for 111 days. Upon completion of investigation, charge sheet has been submitted. Considering the aforesaid, I am inclined to enlarge the petitioner on bail on stringent conditions.
7. Accordingly, the petitioner, namely, **Sewbachan Yadav alias Dharamnath Yadav** 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 2nd Court of the Additional Sessions Judge, Alipore, South 24 Parganas. 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 Watgunge Police Station once in a fortnight, until further orders. The petitioner shall not enter the territorial jurisdiction of Watgunge 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.

8. 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.
9. It is made clear that the observation made hereinabove is only for the sake of disposal of this application.
10. Accordingly, the application for bail being **CRM (M) 1378 of 2025** is disposed of.

(Bivas Pattanayak, J.)