

26.08.2025
Item no.7(DL)
Court No.42
AN
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(M) 1391 of 2025

In Re: An Application for Bail under Section 439 of Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with Special Case No. 34 of corresponding to Topsia Police Station Case No. 83 of 2025 31.05.2025 under Section 74/75(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 8 of POCSO Act currently pending before the Court of learned Additional Sessions Judge, 1st Court, Sealdah, South 24 Parganas.

-And-

In the matter of : Feku Shaw

.... Petitioner

Mr. Anand Keshari
Ms. Soumili Choudhury
Ms. Pubali Debnath

...for the Petitioner.

Ms. Baisali Basu
Md. Yeaser Ammar Ismail

...for the State.

Mr. Navanil De
Mr. Abhijit Chakraborty
Ms. Uma Mukherjee
Ms. Shoulmiya Mazumder

...for *de facto*-complainant/victim

1. Service report filed by the State is taken on record.
2. Learned Advocate for the petitioner submits that the petitioner is in custody for 87 days and after completion of investigation, charge sheet has been submitted. Allegations are only under Section 8 of the POCSO Act which provides punishment of three years. He seeks for enlargement of the petitioner on bail.

3. Learned counsel for the State, opposing such prayer for bail, implicates the petitioner and seeks for dismissal of the bail application.
4. Learned counsel appearing for the *de facto* complainant also opposes such prayer for bail.
5. Perused the case diary and the materials on record.
6. The victim implicates the petitioner of touching her inappropriately. Be that as it may, the petitioner is in custody for 87 days. On completion of investigation, Charge sheet has been submitted in this case. The victim has also refused to undergo medical examination. Considering the aforesaid, I am inclined to enlarge the petitioner on bail on the following conditions.
7. Accordingly, the petitioner, namely, **Feku Shaw** 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 Additional Sessions Judge, 1st Court, Sealdah, 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 Topsia Police Station once in a fortnight, until further orders. The petitioner shall not enter the territorial jurisdiction of Topsia 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) 1391 of 2025** is disposed of.

(Bivas Pattanayak, J.)