

09.09.2025
Item no.06(DL)
Court No.42
AN
(ALLOWED)

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

C.R.M.(M) 1522 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 TR Case No. 06 of 2024 / Special Case No. 06 of 2024 arising out of Howrah Police Station Case No. 424 of 2023 dated 27.12.2023 under Sections 305/313/120B/34 of the Indian Penal Code, 1860, read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 now pending before the learned Judge, Special POCSO Court, Howrah.

-And-

In the matter of : Debdyut Biswas

.... Petitioner

Md. Wasim Akram

...for the Petitioner.

Mr. Bitasok Banerjee
Mr. Sufi Kamal

...for the State

Mr. Arindam Jana
Mr. Sumitava Chakraborty
Mr. Yuvraj Chatterjee
Mr. Rahul Surtani
Mr. Sounak Chatterjee

... for the *de facto* complainant

1. Learned advocate for the petitioner submits that petitioner is the maternal uncle (meshomoshai) of the principal accused. The principal accused and the victim girl got involved in the physical relationship resulting in pregnancy of the victim girl. The child in the womb was aborted and the victim was admitted to the Bellview Nursing Home, Tamluk with the consent of the mother of the victim. There is no such

incriminating material against the petitioner, save and except that he was present when the victim was admitted to the Bellview Nursing Home, Tamluk. The other co-accused viz. the parents and the wife of the present petitioner have been granted bail. Upon completion of investigation, charge sheet has been submitted under Sections 313/120B/34 of the Indian Penal Code. The petitioner is in custody for 42 days. Further the child of the petitioner is a child with special needs. He files medical documents of the child of the petitioner which is taken on record. He seeks for enlargement of the petitioner on bail.

2.Learned counsel representing the State opposes such prayer for bail and submits that there are allegations against this petitioner of forcing abortion of the child in the womb of the victim. This petitioner took the victim to the Bellview Nursing Home, Tamluk for such abortion. The present petitioner is not on the same footing as that of the other co-accused and he seeks for dismissal of the bail application.

3.Learned counsel appearing for the *de facto* complainant submits that this petitioner after grant of bail to his wife, Jolly Biswas, surrendered in Court. However, he failed to surrender before the Court after rejection of the prayer for anticipatory bail in CRM(A) 980 of 2024 on 20th March, 2024. The death of the victim has occasioned due to overt act of the petitioner. He seeks for dismissal of the bail application.

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

5.Upon going through the medical report of the Bellview Nursing Home, Tamluk, at the very outset, it is found that the victim had spontaneous miscarriage. The statement of the

mother of the victim shows that this petitioner was present at the time when the victim was admitted to the Nursing Home. The post mortem report records that the victim's death was due to ante-mortem hanging. The complicity of the present petitioner so far as the allegations of forcing of the victim to abortion and subsequent suicide by the victim may be examined in the trial. Upon completion of investigation, charge sheet has been submitted under Sections 313/120B/34 of the Indian Penal Code. The petitioner is in custody for 42 days. Considering the above, I am inclined to enlarge the petitioner on bail on stringent conditions.

6. Accordingly, the petitioner, namely, **Debdyut Biswas** 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 POCSO Court, Howrah. 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 report to the Inspector-in-Charge of Howrah Police Station once in a fortnight or until further orders. The petitioner shall not leave the territorial jurisdiction of Liluah Police Station except for the purpose of attending the Court proceedings and reporting to the Inspector-in-Charge of the Howrah Police Station, until further orders.

7. 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.

8. It is made clear that the observation made hereinabove is only for the sake of disposal of this application.

9. Accordingly, the application for bail being **CRM (M) 1522 of 2025** is disposed of.

(Bivas Pattanayak, J.)