

24.09.2025
Item no.10
Court No.42
ss
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 1647 of 2025

In Re: An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Tapan P. S. Case No. 119 of 2025 dated 21.02.2025 under Sections 137(2)/140(3) of the Bharatiya Nyaya Sanhita, 2023, subsequently charge sheet submitted vide Charge Sheet No. 337 of 2025 dated 05.06.2025 under Sections 137(2)/140(3)/64 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and Section 6 of the POCSO Act now pending before the learned Special Judge (Under POCSO Act)-cum-ADJ, 2nd Court, Balurghat, Dakshin Dinajpur.

In Re : **Kishan Oraw @ Krishan**

.... Petitioner

Mr. Kaushik Chowdhury

...for the Petitioner

Mr. Koushik Kundu,
Ms. Madhumita Basak

...for the State

Ms. Suchismita Dutta

... for the *de facto* complainant

1. Learned Advocate for the petitioner submits that the victim left her house out of her own accord. There was previous love affair between the victim and the petitioner. The petitioner is in custody for 160 days and upon completion of investigation, charge-sheet has been submitted. He seeks for enlargement of the petitioner on bail.

2. Opposing such prayer for bail, learned Advocate for the State submits that the victim was taken away by the petitioner and kept in confinement for 16 days and was also ravished. He

fairly submits that the victim refused to undergo medical examination. He seeks for dismissal of the bail application.

3. Learned Advocate for the *de facto* complainant submits that the petitioner is continuously threatening the victim to withdraw the case. She seeks for dismissal of the bail application.

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

5. It is found from statement of the victim that she had previous love affairs with the petitioner. There are no allegations of any forcible penetrative sexual assault. The victim refused to undergo medical examination. The petitioner is in custody for 160 days and upon completion of investigation, charge-sheet has already been submitted in this case. Considering the above, I am inclined to grant bail to the petitioner.

6. Accordingly, the petitioner, namely **Kishan Oraw @ Krishan** 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, Balurghat, Dakshin Dinajpur subject to the following stringent conditions:

- (i) The petitioner shall appear before the 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 witnesses and/or tamper with evidence in any manner whatsoever.

(ii) The petitioner shall meet the Inspector-in-Charge of Tapan Police Station once in a fortnight, until further orders.

(iii) The petitioner shall not enter the jurisdiction of Tapan Police Station except for the purpose of attending court proceedings and reporting to the Inspector-in-Charge of concerned police station.

(iv) 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 concerned police station under whose jurisdiction he shall presently reside.

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) 1647 of 2025** is disposed of.

(Bivas Pattanayak, J.)