

14.10.2025
SL No.19
Court No.5
Rohan

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

C.R.M.(M) 1819 of 2025

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kamarhati Police Station Case No. 208 of 2023 dated 10.09.2023 under Section 6 of the POCSO Act, 2012 read with W.B.G. & P.C. Act which culminated into Charge Sheet being Charge Sheet No. 259 of 2023 dated 17th Day of October, 2023 under Section 10 of the POCSO Act.

-And-

In the matter of: Md. Eqbal @ Md. Iqbal

...Petitioner

Mr. Koustav Bagchi
Mr. Debayan Ghosh
Ms. Priti Kar

...for the Petitioner

Mr. S. Patel
Mr. S. Biswas

...for the State

Mr. Abdul Aziz Mondal

...for the de-facto complainant

1. It is submitted on behalf of the petitioner that the petitioner is in custody for 765 days. He has been falsely implicated due to some family dispute and he prays for bail. It is further submitted earlier his prayer for bail was rejected as not placed actual facts of recording two 164 statements of victim as well as de-facto complainant.
2. The learned counsel appearing on behalf of the State produced the case diary and opposed the prayer for bail.
3. Upon careful perusal of the statements recorded under Section 164 of Cr.P.C. of the victim as well as the mother of the victim,

i.e., the de-facto complainant, it appears that the mother had alleged that the incident took place three years ago but she could not lodge complaint due to her pregnancy, whereas, the statement recorded of the victim clearly exonerated the petitioner.

4. Considering the nature of the offence as well as the detention period suffered by the petitioner, the application for bail is allowed subject to strict conditions.
5. The petitioner shall not enter the jurisdiction of the Kamarhati Police Station and shall reside outside its jurisdiction to instill the confidence of the de-facto complainant, the victim as well as the witnesses.
6. The petitioner will be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be a local, to the satisfaction of the ACJM, Barrackpore. 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. The petitioner shall meet the Investigating Officer once in a week, 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. Thus, the application for bail being **C.R.M. (M) 1819** of **2025** stands disposed of.

(Ajay Kumar Gupta, J.)