

**IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction
Appellate Side**

Present:

The Hon'ble Justice Biswaroop Chowdhury

C R M. (M) 1838 of 2025

Satyajit Pal @ Satyajeet Paul @Satyajit @ Styajit Paul

VERSUS

State of West Bengal

For the petitioner:

Mr. Kaustav Bagchi, Adv.
Mr. Debayan Ghosh, Adv.
Ms. Priti Kar, Adv.

For the de facto complainant:

Ms. Madhurai Sinha, Adv.

For the State:

Mr. Md. Adil Badr, Adv.
Mr. Sobhan Gani, Adv.

Last Heard on: October 09, 2025

Judgment on: October 29, 2025

Biswaroop Chowdhury,J:

This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023 filed by the petitioner who is in custody in connection

with Nagarbazar Police Station Case No. 273 of 2023 dated 11th day of August 2023 and now pending before Learned Additional District and Sessions Judge 1st Court at Barrackpore North 24 Parganas being POCSO-128/2023.

It is the contention of the petitioner that the allegations leveled by the Defacto Complainant are absolutely vague, frivolous and baseless in nature and the written complaint is self contradictory at every juncture. It is further contended that the alleged incident is extremely doubtful which clearly proves that he is in no way connected with the aforementioned case and furthermore there is no Criminal Mensrea involved. It is also contended that his further detention would cause serious hardship for his family.

Learned Advocate for the opposite party State of West Bengal objects the grant of bail.

It appears from the case record that the victim was 17 years 6 months old when the alleged incident took, place and the victim was already acquainted with the petitioner in the face book for the purpose of photo shoot. It further appears from the statement made under Section 164 CrPC that after the alleged incident on 07-08-2023 the accused/petitioner called the victim girl once again on the following day and although the victim girl went to meet the petitioner, the petitioner did not attend. Thus it is clear that after the alleged incident no complaint was lodged on the following day but the victim girl went to meet the petitioner, again.

Upon hearing the Learned Advocates and considering the statement made by the victim girl under Section 164 CrPC, the medical examination report of the victim girl and other materials in the case record although it would not be proper to make further observation with regard to the merits of the case as trial has commenced but it is necessary to decide whether petitioner should be granted bail.

It is true that a Learned Co-ordinate Bench of this Court last rejected the application for bail on 23-04-2024 with certain observations but the fact that orders for bail are interlocutory orders subsequent bail application can be taken up for consideration upon detail examination of case diary considering relevant provisions of law, period of detention and stage of trial.

In the case of State VS Jagjit Singh reported in AIR-1962 S.C. P-253 the Hon'ble Supreme Court laid down the following factors whole deciding application for bail.

- i) Nature and seriousness of the offence.
- ii) The character of the evidence.
- iii) Circumstances peculiar to the accused.
- iv) A reasonable possibility of the presence of the accused not being secured at the trial.
- v) Reasonable apprehension of witnesses being tampered with.
- vi) Larger interest of the public or the State.

- vii) Similar other conditions which arise when a Court is asked to admit the accused to bail in a non-bailable offence.

The Hon'ble Supreme Court in the case of Satender Kumar Antil VS Central Bureau of Investigation reported in AIR-2022 S.C. P-3380 observed as follows:

'13. Innocence of a person accused of an offence is presumed through a legal fiction placing the onus on the prosecution to prove the guilt before the Court. Thus it is for that agency to satisfy the Court that the arrest made was warranted and enlargement on bail is to be denied.

14. Presumption of innocence has been acknowledged throughout the world. Article 14(2) of the International Covenant on Civil and political Rights, 1966 and Article 11 of the Universal Declaration of Human Rights acknowledge the presumption of innocence as a cardinal principle of law until the individual is proven guilty.'

In the case of Siddharam Sathingappa Mhatre VS State of Maharashtra reported in (2011) 1 SCC-694 the Hon'ble Supreme Court observed as follows:

'Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.'

In the case of State of Kerala V Raneef reported in (2011) 1 SCC P-784 the Hon'ble Supreme Court held that in deciding bail applications an important

factor which certainly be taken into consideration by the Court is the delay in concluding the trial.

In the instant case although the offence which the petitioner is charged is a serious one but considering the materials on record, and the fact that the petitioner is in custody for 2 years and two months and evidence of only one witness is complete and total number of witnesses is eighteen and there is every likelihood of delay in conclusion of trial this Court is of the view that as there is no reasonable apprehension to abscond or tamper with evidence in the interest of justice the petitioner should be released on bail. Thus I allow the prayer for bail made by the petitioners.

Hence the petitioner be released on bail with two sureties of Rs. 10,000/- each one of which must be local, subject to satisfaction of Learned Trial Court. The petitioner upon being released shall meet officer in charge of Nagerbazar police Station once in a week, and shall not leave the jurisdiction of the Court without leave of Trial Court, and shall not contact with victim girl and the persons acquainted with the facts of the case and shall not enter into the locality where the victim girl resides and shall attend Court on all dates fixed.

In the event of violation of any condition Learned Trial Court shall be empowered to cancel the bail without reference to this Court.

Urgent photostat certified copy of this order, if applied for, should be made available to the parties upon compliance with the requisite formalities.

(Biswaroop Chowdhury,J)