

D/L 18
19.11.2025

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dismissed

C.R.M. (M) 1886 of 2025

In Re: An application for bail under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Gobordanga Police Station Case No.205 of 2025 dated 12.07.2025 under Sections 64(2)(f)(m)/65(2)/351(2) of the Bharatiya Nyaya Sanhita, 2023 read with section 6 of the Protection of Children from Sexual Offences Act ;

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Versus

The State of West Bengal & Anr.

Mr. Surajit Basu

Ms. Jasika Alam.

...for the petitioner.

Mr. Bitasok Banerjee

Mr. Tirupati Mukherjee.

...for the State.

Learned advocate appearing for the petitioner submits that the petitioner during his period of detention has suffered serious health ailments.

A report has been submitted by the Officer-in-Charge, Gobardanga Police Station which is not to the satisfaction of this Court. The said report is cryptic.

Learned advocate for the State is also unable to explain from the report regarding the medical condition of the accused. However, learned advocate for the State submits that there are materials appearing in the case diary against the present petitioner.

Learned advocate for the petitioner has restricted his submission with regard to the health of the accused as he has been instructed.

I have considered the report. The report reflects certain usages of words like “life saving measure”.

In view of the aforesaid, petitioner is directed to take out an application only on health ground before the learned special court. Learned special court will consider the application for bail after assessing whole of the medical records which would be placed before the learned special court within a period of seven days from the date of filing of the bail application. Learned special court on an assessment will try to arrive at a conclusion whether the medical condition of the petitioner is such that for his benefit whether he should be released or the condition is not serious so that the detention will not have any adverse effect on the health of the accused.

In view of the observations made above, this Court is not in a position to arrive at a perfect conclusion and leaves it to the discretion of the learned special court.

Consequently, with the aforesaid directions, CRM(M) 1886 of 2025 is disposed of.

Report so submitted be kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)

