

15.12.2025

Item No.16

Ct.No.35

dc.

**Allowed**

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

**C.R.M. (M) 1978 of 2025**

In Re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Sonarpur Police Station Case No. 741 of 2024 dated 04.06.2024 under Section 363 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012 and charge-sheet submitted under Sections 363/376(3) of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : **Sasthi Pada Naskar alias Sastipada alias Shasti Pada**

... Petitioner.

Mr. Angshuman Chakraborty,  
Mr. S. S. Saha

... For the Petitioner.

Mr. Anupam Das Adhikari,  
Ms. Sana Naaz

... For the State.

Report submitted by the learned advocate appearing for the State be kept with the record.

The said report reflects that the officer of Sonarpur Police Station tried to effect service upon the *de facto* complainant/victim, but she was not traceable and was not communicable also. As such, service could not be effected upon the opposite party no.2 herein.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for more than 1 year 6 months and charges could not be framed as the victim is not participating.

Learned advocate appearing for the State, on the other hand, opposes the prayer for bail and produces the case diary.

I have checked the medical records as well as the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. Having considered the totality of the circumstances and the fact that the victim is evading the process of law for a considerable period of time, I am of the opinion that further detention of the present petitioner is unwarranted. As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner viz., **Sasthi Pada Naskar alias Sastipada alias Shasti Pada** shall be released on bail upon furnishing bond of Rs.20,000/-, with two sureties of Rs.10,000/- each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under POCSO Act, Baruipur, South 24-Parganas.

If on bail, the petitioner shall be physically present on each and every date so fixed by the learned Special Court and shall not leave the jurisdiction of the district of South 24-Parganas without prior permission of the learned Special Court.

Case diary be returned to learned advocate for the State.

The application for bail, being CRM (M) 1978 of 2025, is, thus, disposed of.

All concerned 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 with all requisite formalities.

**(Tirthankar Ghosh, J.)**