

D/L 53
13.11.2025

Bpg.
Allowed

C.R.M. (M) 2266 of 2025

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973, corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Tehatta Police Station Case No.264 of 2024 dated 15.04.2024 under Sections 376DA/448/326/307/34 of the Indian Penal Code, 1860 and Section 6 of Protection of Children from Sexual Offences Act, 2012;

Bikram Mondal & Anr.
Versus
The State of West Bengal & Anr.

Mr. Atish Kumar Biswas
Mrs. Jyoti Agarwal.
...for the petitioners.

Ms. Sujata Das
Ms. Sana Naaz.
...for the State.

Mr. Jaydeep Biswas
Mr. Priyankar Ganguly
Ms. Shalini Bairagi
Mr. Koushik Ghosh
Ms. Pipasa Chakraborty.
...for the opposite party no.2.

Learned advocate appearing for the petitioners submits that both of them are in custody for 575 days and so far as the stage of the case is concerned, it has been stated that after framing of charges, the evidence of the victim is over and, as such, on any stringent conditions the petitioners may be released on bail.

Learned advocate for the State opposes the prayer for bail and draws the attention of the Court to the statement of the victim under Section 164 of the Cr.P.C. as also the medical documents.

Mr. Jaydeep Biswas, learned advocate appearing for the

opposite party no.2 submits that the victim has been consistent in her version and her evidence inspires confidence which rule out any possibility of false implication of the present petitioners.

Be that as it may, the petitioners are in custody for about 1½ years, the evidence of the victim is over and there may be other materials as submitted by the learned advocate appearing for the de facto complainant for which the Forensic reports have been called for but the same till date is not available with the case diary. As such, considering the custodial detention of the petitioners and the fact that some more time is required to conclude the trial, I am inclined to release the petitioners on bail.

Accordingly, the prayer for bail of the petitioners is allowed. The petitioners, namely Bikram Mondal and Sayan Biswas shall be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand only) each with two sureties of Rs.10,000/- each, one of whom must be local to the satisfaction of the learned Judge, Special Court (POCSO), Tehatta, Nadia.

If on bail, the petitioners shall on each and every date attend the court. Petitioners shall stay outside the jurisdiction of Tehatta Police Station and inform their address, both to the learned Special Court as well as the local Police Station where they would be residing and shall enter the jurisdiction only for the purposes of attending the court. If there are violations of the regular conditions for bail, the learned special court would cancel the bail without further reference to this Court.

If the FSL report which has been sought for by the

investigating agency are considered to be necessary, the Additional Superintendent of Police of the concerned district will inform the concerned Forensic Experts to make the same available before the learned special court, preferably within a period of 45 days from the date of communication of this order.

Accordingly, CRM (M) 2266 of 2025 is allowed.

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.)