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23.12.2025
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C.R.M. (M) 2749 of 2025

In Re: An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Technocity Police Station Case No.120 of 2025 dated 17.07.2025 under Sections 126(2)/74/64/351(2) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 4/6 of the POCSO, 2012;

Nishat Ali @ Md. Nishat Ali
Versus
The State of West Bengal & Anr.

Mr. Sourav Chatterjee
Mr. Namrata Chatterjee
Mr. Arif Hossain
Ms. Torsa Min Bahar
Mr. Deep Bera
...for the petitioner.

Ms. Z. N. Khan
Mr. R. Jana.
...for the State.

Mr. Soumya Nag
Mr. Sagnik Mukherjee
Ms. Dishani Kanjilal.
...for the opposite party no.2.

Affidavit-of-service filed by the petitioner be kept with the record.

Learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in connection with the instant case and is detained for more than five months. Additionally, it has been submitted that charge-sheet has already been submitted and further detention of the petitioner is unwarranted, as such, on any stringent conditions petitioner may be released on bail.

Learned advocate for the de facto complainant has drawn the attention of the Court to the accusations made against the individual, the antecedents of the accused and other attending circumstances and also opposed the prayer for bail. Learned advocate for the State has referred to the case diary and drawn the attention of the Court to the statement under Section 183 of the BNSS as also other medical reports which are appearing in the case diary.

Having regard to the fact that the case has been registered under the relevant provisions of the POCSO Act and I am of the view that at this stage it would not be fit and proper to release the petitioner on bail. Learned trial court is directed to overcome the stage of consideration of charges on the next date so fixed or within a week thereafter. As prescribed under the Act, learned trial court would insist on examination of the victim to be completed within a month from the date of framing of the charges. Petitioner would renew his prayer for bail after the evidence of the victim girl is over.

With the aforesaid observations, CRM(M)2749 of 2025 is dismissed.

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.)

