

AD-5
Ct No.06
31.12.2025
sp
Vacation Bench

CRM (M) 2908 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 Halisahar Police Station Case No. 398/25 dated 22.09.2025 under Section 64 of the BNS, 2023 and Section 4/6 of the POCSO Act.

And

In the matter of: **Biswajit Das.**

Mr. Debasis Kar,
Mr. Arka Tilak Bhadra,
Ms. Paramita Mukherjee.

... for the petitioner.

Ms. Mnisha Sharma,
Mrs. Suruchi Saha.

..for the State.

1. This is 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 Halisahar Police Station Case No. 398/25 dated 22.09.2025 under Section 64 of the BNS, 2023 and Section 4/6 of the POCSO Act.
2. Learned Counsel appearing for the petitioner submits that although the initial complaint was lodged under Sections 4/6 of the POCSO Act, the investigating agency has subsequently submitted the **Charge Sheet** under the lesser offenses of **Sections 8/12 of the POCSO Act**. It is contended that the petitioner has been falsely implicated due to a personal

vendetta involving his brother, who was closely related to the complainant's family. on their instigation, complainant brought this prosecution against petitioner out of grudge.

3. It is further submitted by the petitioner that the victim refused to undergo a medical examination. Ld. Counsel points out material contradictions between the content of the First Information Report (FIR), and statements of defacto complainant recorded by the Investigating Officer. Furthermore, inconsistencies are alleged in the statements of witnesses recorded under **Section 161 of the Cr.P.C.** (corresponding to **Section 180 of the BNSS**). Highlighting that the petitioner has been in custody since **September 22, 2025**, and noting the rejection of a previous bail prayer by the **Learned Special Judge (POCSO Act), Barrackpore** on December 10, 2025, ld. Counsel prays for bail on any stringent condition.
4. Having heard the submissions and considering the gravity of the allegations involving the POCSO Act, alongside the fact that the trial is at a nascent stage, this Court is **not inclined** to enlarge the petitioner on bail at this juncture.
5. Accordingly, the prayer for bail in **CRM (M) 2908 of 2025** stands **rejected**.
6. All parties shall act on the server copy of this order, duly downloaded from the official website of this Court, which shall be treated as authentic for all practical purposes.

(Uday Kumar, J.)