

**IN THE HIGH COURT AT CALCUTTA
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE**

23.04.2025
(ct. no.03)
13
BR

CRM (DB) 135 of 2025

In Re : An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023.

And

In the matter of : Bidyut Biswas

.... Petitioner.

Mr. Madhushri Dutta

... For the Petitioner

Mr. Aditi Shankar Chakraborty, Ld.APP
Mr. Subhasis Mishra

... for the State.

1. Affidavit of service filed by the petitioner be kept with the record.
2. The prayer for bail in the present case arises out of an order dated 7.2.2025 passed by the learned Judge, Special Court (under POCSO) Act) 2nd Court at Jalpaiguri in connection with Sessions (POCSO) Case No. 103 of 2024 arising out of Dhupguri Police Station Case No. 96 of 2024 dated 9.3.2024 under Section 363/365 of Indian Penal Code adding Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. The State has placed the case diary, wherein it appears that the grandfather of the victim has lodged a complaint against the petitioner herein for allegedly kidnapping his minor granddaughter on 9.3.2024.
4. Charge sheet in the present case has been submitted on 10.8.2024.

5. The victim girl on being recovered **has refused medico legal examination.**
6. The petitioner is **in custody since 14.6.2024 (300 days).** The petitioner herein is aged about **25 years** and the victim girl whose date of birth is 20.8.2010 is aged **more than 14 years.**
7. It appears from the document at page 34 of the case diary which is Form –I relating to RMP opinion form, that the registered medical practioner in the present case has given his opinion that the pregnancy of the victim is required to be terminated and the said medical practioner has terminated pregnancy on 15.6.2024.
8. **The reason for pregnancy as noted by the doctor as follows:-**
“e) as the pregnancy has occurred as a result of failure of any contraceptive device or methods used by a woman or her partner for the purpose of limiting the number of children or preventing pregnancy.”
9. In her statement recorded under Section 164 of the Criminal Procedure Code, the victim has stated that she had been introduced to the accused by her sister and he took her to Bijonbari at Darjeeling forcefully. It further appears from her statement as recorded under Section 164 Cr.P.C. that **she was having an affair with the petitioner with the consent of her family.**
10. On hearing the parties and relying upon the judgment of the Supreme Court in ***Deshraj alias Musa vs. State of Rajasthan & Anr. reported in 2024 SC OnLine SC 2709***, wherein the court considered a case similar to the present case, wherein the accused aged about 18 ½ years and the victim aged 16 years were in a consensual relationship, and granted bail to the accused.
11. In the present case charge sheet has been filed. Trial is yet to commence.
12. Considering the age of the parties herein, the stage of investigation, trial, and the doctor’s opinion and relying upon the

judgment of the Supreme Court in ***Deshraj alias Musa (supra)***, this court directs that the petitioner **Bidyut Biswas** be released on bail of Rs.20,000/- with two sureties of Rs.10,000/- each one of which must be local with condition that he shall attend the court during trial diligently and shall not misuse the liberty granted to him, failing which the Trial Judge shall be at liberty to proceed in accordance with law.

13. CRM (DB) 135 of 2025 is disposed of.

14. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Shampa Dutt (Paul), J.)