

**HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

CRM (M) 63 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 correspondig to Section 483 of the Bharatiya Nagarik Surakhsha Sanhita, 2023 in connected with Matigara Police Station Case No. 287 of 2022 dated 28.02.2022 under Section 6 of the POCSO Act.

In the matter of: **Bhabani Barman**

...Petitioner

Mr. Abhijit Sarkar, Adv
Mr. Sagnik Sankho Sikdar

.... For the State

1. Mr. Abhijit Sarkar, Learned Counsel, is appearing for the State.

2. The petitioner has filed the present application under Section 483 of the B.N.S.S., 2023 praying for bail in connection with Matigara Police Station, Case No. 287 of 2022 dated 28th February, 2022 under Section 6 of the POCSO Act pending before the Learned Special Judge, POCSO Court, Siliguri.

3. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and he submits that the petitioner was arrested on 28th February, 2022 and since the petitioner is in custody.

4. He submits that at the time of the arrest, though the arrest memo was prepared but has not informed the reason of arrest and

also not informed to the relatives or respectable person of the locality of the petitioner.

5. Counsel for the petitioner submits that, investigation has been completed, charge sheet has been filed and two witness has been examined.

6. He submits that victim has not stated anything against the petitioner.

7. Per Contra, Learned Counsel for the State has produced the CD and the statement of the victim recorded during the trial and he submits the victim has supported the case of the prosecution during the trial and nothing has been found during the cross examination.

8. Counsel for the State submits that, out of 15 witnesses two witness already been examined and subsequently, the date is fixed on 20th May, 2025, 21st May, 2025 and 22nd May, 2025 for examination of the other witness.

9. He submits that the trial is in progress and at this stage if the accused is released there is every chance that the petitioner may hamper and temper with the evidence.

10. Heard Learned Counsel for the parties, perused the materials on record and the statement of the victim recorded during the trial. This Court finds that as per statement of the victim, the petitioner is involved in the present case and trial is in progress.

11. Accordingly, CRM (M) 63 of 2025 is dismissed.

(Krishna Rao, J.)