

24.11.2025
Item no.2
Court No.3
ss
(Allowed)

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (A) 584 of 2025

In Re:- An application for anticipatory bail under Section 482 of BNSS corresponding 438 of the Code of Criminal Procedure in connection with Matigara Police Station Case No.374 of 2025 dated 09.06.2025 under Sections 329(4)/115(2)/117(2)/118(1)/324(2)/74/76/3(5) of the Bhartiya Nyaya Sanhita, 2023 read with Section 10/12 of the Protection of Children from Sexual Offences Act, 2012 corresponding to Spl. POCSO Case No.41(6) of 2025 now pending before the learned Special Judge, under POCSO Act, Siliguri.

In the matter of : **Jiten Halder & anr.**
... Petitioners.

Mr. Abhilash Mittal
... for the petitioner

Mr. Aditi Shankar Chakraborty, (virtual mode)
Mr. Kallol Nag.
.....for the State.

Mr. Gopal Roy
... for the *de facto* complainant

1. Affidavit of service filed on behalf of the petitioners is taken on record.
2. Learned Advocate for the petitioners submit that after completion of investigation, charge-sheet has been submitted against the petitioners under the offences of BNS only and not under the POCSO Act. He seeks for grant of anticipatory bail to the petitioners.

3. Learned Advocate for the State, opposing such prayer of anticipatory bail, submits that the victim aged about 11 years was continuously disturbed by the accused, Papan Halder and Raj Biswakarma. The present petitioners have assaulted the family members of the victim resulting in serious injuries. He seeks for dismissal of the application for grant of anticipatory bail.
4. Similar submission is advanced by the learned Advocate appearing on behalf of the *de facto* complainant. He seeks for dismissal of the application for grant of anticipatory bail.
5. Perused the case diary and the materials on record.
6. It appears that the charge-sheet has been submitted against the present petitioners under Section 329(4)/ 115(2)/117(2)/118(1)/ 324(2)/74/76/3(5) of the Bhartiya Nyaya Sanhita, 2023. The present petitioners have not been charge-sheeted under POCSO Act. The injury sustained by the injured is simply in nature. In view of the above, I am inclined to grant the prayer of the petitioners for anticipatory bail.
7. Accordingly, in the event of arrest the petitioner namely **Jiten Halder** and **Shibratan Biswakarma @ Shib Ratan Biswakarma** shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the

Code of Criminal Procedure, 1973 corresponding to Section 482(2) of BNSS and shall meet the Investigating Officer once in a fortnight, until further order and shall attend the court on the date fixed for appearance.

8. In default the jurisdictional Court shall pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.
9. This application for anticipatory bail is allowed.
10. **CRM (A) 584 of 2025** is, thus, disposed of.

(Bivas Pattanayak, J.)