

26.11.2025
Sl. No.40
Court No.4
s.biswas

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri
Appellate Side

C.R.M.(M) 260 of 2025

In Re: - An application for bail under Section 483 of Bharatatiya
Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the
Code of Criminal Procedure, 1973 in connection with **Kalimpong** P.S.
Case No. **125/2024** dated **09.10.2024** under Sections
137(2)/140(3) read with Section **6** of the POCSO Act.

And

In the matter of: Bappa Roy

....Petitioner

Mr. Jaydeep Kanta Bhowmik

Mr. Sayantan Bhowmik

Mr. Shubham Kumar

Ms. Sayantani Das

... for the petitioner

Mr. Sagnik Sankar Sikdar

...for the State

1. Petitioner renews his prayer for bail.
2. It is submitted on behalf of the petitioner that the petitioner has been in custody for over 412 days. Only one witness out of 21 charge-sheeted witnesses has been examined in the trial. Learned counsel for the petitioner refers to the evidence of PW 1 in the trial. He further submits that there is no chance of conclusion of trial in the near future. Referring to the evidence of the victim adduced at the trial, learned counsel for the petitioner tries to impress upon the court that the victim voluntarily went into the relationship with the petitioner and as such, the relationship being a consensual relationship, the petitioner should be enlarged on bail.

3. Learned counsel for the State refers to the order dated July 7, 2025 passed in CRM(M) 162 of 2025, where the bail prayer of the petitioner was rejected. He further submits that the evidence adduced by the victim was taken into consideration at the time of such rejection of the bail prayer of the petitioner.
4. Upon hearing the learned counsel for the parties and considering the materials in the case diary as well as materials placed before this court, it appears that the petitioner is alleged to have committed an offence *inter alia* under Section 6 of the POCSO Act. Admittedly, the victim is minor. This fact was taken into consideration by the Co-ordinate Bench in CRM(M) 162 of 2025. It was observed in such order that the petitioner was minor and her consensual physical relationship was irrelevant. To my consideration, there is no circumstantial change in circumstances from July 7, 2025, warranting the release of the petitioner on bail.
5. In such circumstances, I am not inclined to grant bail to the petitioner at this stage.
6. The prayer for bail is **rejected**.
7. Accordingly, CRM(M) 260 of 2025 is disposed of.

(Md. Shabbar Rashidi, J.)