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dismissed

C.R.M. (M) 65 of 2026

In Re: An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with Chakdah Police
Station Case No.1006 of 2025 dated 4th September, 2025 under Sections
137(2)/140(3) of the Bharatiya Nyaya Sanhita, 2023 with added Section 6
of the Protection of Children From Sexual Offences Act, 2012;

Ritam Guha
Versus
State of West Bengal & Anr.

Mr. Shibaji Kumar Das
Mr. Dipendu Sarkar
Ms. Maitrayee Das.
...for the petitioner.

Mr. Suman De
Mr. Anindya Sundar Chatterjee.
...for the State.

Affidavit-of-service filed by the petitioner be kept with the
record.

Learned advocate appearing for the petitioner submits
that the petitioner is in custody for 106 days and there was a
consensual relationship pursuant to which the girl had left with the
present petitioner. The case was instituted on accusations of
kidnapping/abduction of minor girl along with ravishing the minor
girl under Section 6 of the POCSO Act.

The case diary has been produced by the learned
advocate appearing for the State. It reflects from the statement of
the victim girl under Section 183 of the BNSS that obscene
materials were recorded in mobile phone at the behest of the

accused and there was a threat for circulation of such obscene materials. The accused is in custody for a considerable period of time but even the mobile phone which was used was not seized from the accused. So far as the medical report is concerned in a criminal case particularly under the POCSO Act or offences relating to sexual assault of a woman, a proforma has been prescribed by the health department which is supposed to be followed. In this case, I find a cryptic prescription has been made leaving room for interpretation as also a subsequent question being forwarded.

Having regard to the order of the health department and the manner in which the medical documents has been prepared by the concerned medical officer of JNM, Hospital, Kalyani, I am of the view that the same is not in consonance with the Government orders or the particular procedures laid down by the health department. The conduct of the investigating officer in this case is far from satisfaction. It is the duty of the investigating officer to unearth the truth in a case. There was a casual approach in the present case in spite of the fact that the girl was not found from 4th September, 2025 to 28th September, 2025.

Having considered the manner in which the investigation has now been conducted, I am of the view that there must be some seriousness by the officers while investigating offences under the POCSO Act. The duty of the investigating officer is to unearth the truth and not to purposely create hazy set of circumstances leaving it to the discretion of the court.

The Superintendent of Police, Nadia will monitor further

the progress of the case before the learned trial court particularly the outcome considering the materials which have been collected by the investigating officer of the case.

In view of the aforesaid observations, CRM(M)65 of 2026 is dismissed.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)