

30.03.2026

Item No.69

Ct.No.35

dc.

Rejected

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (M) 480 of 2026

In Re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Joypur Police Station Case No. 76 of 2025 dated 21.08.2025 under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : **XXXXXX Vs. The State of West Bengal & another**

Mr. Abhra Mukherjee,
Mr. Sauradeep Dutta,
Mr. Arpayan Mukherjee,
Mr. Swakshar Kumar Mondal,
Mr. Himadree Ghosh

... For the Petitioner.

Mr. Arijit Ganguly,
Mr. Kunal Ganguly

... For the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody since 22.08.2025; charge-sheet has been submitted and charges have already been framed. Learned advocate further submits that there was a property dispute pursuant to which present petitioner has been falsely implicated in connection with the instant case. Additionally, it has been submitted that there is no corroboration in the medical evidence of the victim. As such, further detention of the present petitioner may not be warranted.

Learned advocate appearing for the State, on the other hand, opposes the prayer for bail and draws the attention of

the Court to the statement of the victim recorded under Section 183 of BNSS.

I have taken into account the materials appearing in the case diary as well as the submissions of the learned advocates appearing for the petitioner and the State. It is also a settled position of law that medical evidence should not be the sole consideration while assessing the cases relating to sexual assault. Be that as it may, at this stage, I am not inclined to release the petitioner on bail as it has been submitted on behalf of the State that evidence of the victim is about to commence. As such, the prayer for bail of the petitioner is **rejected**.

Petitioner would be at liberty to approach this Court after the evidence of the victim is completed.

Report submitted by the learned advocate appearing for the State be kept with the record.

The application for bail, being CRM (M) 480 of 2026, is, thus, dismissed.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)