

30.03.2026

Item No.103

Ct.No.35

(susanta)

Dismissed

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

C.R.M. (M) 523 of 2026

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with **Ashoknagar** Police Station Case No. **673** of **2024** dated **27.11.2024** under Sections 137(2)/140(3)/77/64(2)(f)(m)/65(1) of Bharatiya Nyaya Sanhita 2023 and Section 06 of the Protection of Child from Sexual Offences Act.

And

In Re : **XXX**

... Petitioner.

Mr. Anghsuman Chakraborty,

... For the Petitioner.

Mr. B. Bhattacharjee,

Ms. D. Sahu,

... For the State.

Learned advocate appearing for the petitioner submits that having failed to satisfy the grudge, the de facto complainant lodged the second information after the petitioner was granted bail in connection with the Ashoknagar Police Station Case No. 500 dated 06.09.2024. The present case has been registered under the relevant provisions of the BNS as well as the POCSO Act.

Learned advocate appearing for the State, on the other hand, opposes the prayer for bail and draws the attention of the statement of the victim girl recorded under Section 164 of the Cr. P.C and under Section 183 of the BNSS as also the medico-legal examination. At this stage when the evidence of the victim girl has not been recorded, I am not inclined to release the petitioner on bail.

The application for bail, being C.R.M. (M) 523 of 2026, is, thus, rejected.

The learned Trial Court would ensure that since the petitioner is in custody, the Superior Officer of the police be informed for producing the victim for her evidence on the date so fixed.

The petitioner would be at liberty to approach this Court after the evidence of the victim is over.

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.)