

22.04.2026
Serial no. 129ML
CT.-35
[G.S.D]

CRM (SB) 36 of 2025

In the matter of : XXX

... Petitioner(s)

Mr. Sabyasachi Mukherjee
Mr. Ranabeer Halder

... For the Petitioner(s)

Mr. Imran Ali
Ms. Rituparna Saha

... For the State-respondent(s)

Mr. Jay Chakraborty
Mr. Sandip Dinda

... For the o.p. nos. 2 to 5

Learned advocate appearing for the petitioner prays for cancellation of bail on the ground that the case was initially registered under the provisions of Sections 341/323/325/354B/506/34 of the IPC. Subsequently, in course of the investigation, the investigating agency found materials, thereafter, added Sections 8 and 12 of the POCSO Act.

Learned advocate also submits that the bail was granted at a stage when the case was being investigated under the provisions of the IPC and, subsequently, addition of Section 4 of the POCSO Act entitles the bail to be cancelled. To that effect, an application was preferred before the learned CJM, Barasat. Subsequent to that, an application was also filed before the learned Special POCSO Court, Barasat, North 24 Paranas. The said application was rejected by the learned Special Court on the ground that the accused persons initially appeared before the

learned Magistrate and there was no adverse report found against the accused persons warranting their custodial detention.

This observation may be a debatable question because in an appropriate offence, the accused may be required to be taken into custody.

Having considered that the learned Special Court is not dissatisfied with the conduct of the accused persons, I am of the opinion that, at this belated stage, after considerable time has lapsed, any interference may cause prejudice to the liberty of the accused persons. As such, no interference is called for in the application for cancellation of bail preferred at the instance of the defacto-complainant/petitioner.

However, this will not prevent the learned Special Court for interfering and/or imposing harsh conditions if, in course of the trial, any impediment is created by the accused persons in the smooth progress of the trial.

With the aforesaid observations, CRM (SB) 36 of 2025 is disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

