

9.6.2026

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CRR 2164 of 2026

**Bijay Chowdhury @ Bijay Kumar Chowdhury
Vs.
The State of West Bengal & Anr.**

Mr. Niladri Sekhar Ghosh	
Mr. Sourav Mondal	
Mr. Arijit Bhuiya	...for the Petitioner
Mr. Mani Sankar Chattopadhyay	...for the O.P. no. 2
Mr. Imran Siddiqui	
Ms. Rima Banerjee	...for the State

Affidavit of service filed by the petitioner is taken on record.

The petitioner herein has prayed for setting aside the order dated 16.5.2026 passed in Special (POCSO) case no. 5 of 2022, arising out of Adra Police Station case no. 31 of 2022 under Sections 447/354(B) of the IPC and also under Section 12 of the Protection of Children from Sexual Offences Act, 2012 (in short POCSO). By the impugned order, learned court below had cancelled the bail, already granted to the petitioner and thereby took him into custody.

Being aggrieved by the aforesaid order, learned counsel for the petitioner submits that the petitioner was granted bail by the court below by observing that the victim girl refused to undergo her medical examination and there is no prima facie evidence in the case, in order to attract Section 12 of the POCSO Act. Therefore, it is clear that the petitioner has been falsely implicated and the present case

has been maliciously initiated as the complainant and his family members have developed a personal vendetta against the petitioner for the last several years. He further submits that the victim and defacto-complainant and mother of the victim, who are alleged vulnerable witnesses, have already been examined and therefore, there is no justification in cancelling the bail on the allegation that the petitioner threatened the victim. The impugned order is patently illegal, perverse and unsustainable in the eyes of law as it completely fails to consider the fundamental distinction between the rejection of bail prayer and cancellation of bail. Therefore, he has prayed for setting aside of the order impugned. He further submits that out of four cases referred in the police report dated 9.3.2026, he has already been acquitted in connection with Adra Police Station case no. 124 of 2022 corresponding to G.R. case no. 773 of 2022.

Learned counsel for the opposite party no. 2 opposed the bail prayer contending that the police report clearly demonstrates that after granting bail to the petitioner, he has persistently disturbed the victim and other witnesses and for which four complains have already been lodged on different dates. He further states that though the petitioner has claimed that out of four cases he has been acquitted in connection with Adra Police Station case no. 124 of 2022 but in fact, in the said case, he admitted his guilt and thereby on the basis of compromise,

the said case was withdrawn but he was not acquitted from that case. He further submits that the accused is a habitual offender and therefore, the order impugned is justified and does not call for any interference.

Learned counsel for the State submits that the prosecution proposes to examine 19 witnesses, out of which 3 witnesses have been examined so far and there are 7 more vulnerable non-interested witnesses, whose evidence has not yet been recorded and, the next date has been fixed by the court below on 14th July, 2026 and 15th July, 2026.

Having heard learned counsel for the petitioner and both the opposite parties, it appears from the police report dated 9.2.2026, that four complains have been registered being Adra Police Station case no. 124 of 2022 dated 11.11.2022 under Section 354A/506/509 of the IPC, Asansol GRPS case no. 45 of 2022 dated 12.1.2022, Adra Police Station case no. 19 of 2024 dated 13.3.2024 under Sections 323/341/354A/34 of the IPC, Adra P.S. vide GDE no. 387 of 2025 dated 11.10.2025.

As held in *Gurcharan Vs. State*, AIR 1978 SC 179, *Dolat Ra Vs. State* (1995) 1 SCC 349 and other authorities two paramanent considerations apart from others for cancellation of bail are (i) likelihood of the accused fleeing from justice and (ii) his tampering with prosecution evidence, relate to ensuring of a fair trial of the case in a court of Justice. It appears that all the aforementioned cases have been registered against the petitioner after

granting bail. It further appears that some more non-interested witnesses are still required to be examined in that case.

In such circumstances and considering the overall aspect of the matter, I do not find that the impugned order suffers from any perversity or illegality or impropriety, which can call for interference by this court.

In view of above, CRR 2164 of 2026 thus stands dismissed. However, this order will not prevent the petitioner to make his bail prayer before the Trial Court at an appropriate stage.

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

(Dr. Ajoy Kumar Mukherjee, J.)