07.10.2026
Item No.M/L.82
Ct.No.35
dc.
Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (M) 2172 of 2026

In Re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Ratua Police Station Case No. 491 of 2026 dated 04.05.2026 under Sections 329(4)/74 of the Bharatiya Nyaya Sanhita, 2023 read with Sections 10/12 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : **XXXX Vs. The State of West Bengal & Anr.**

Md. Wasim Akram
... For the Petitioner.

Mr. Rajdeep Biswas,
Ms. Ayana Dey,
Mr. Ravi Ranjan Kumar
... For the State.

Mr. Soumyajit Das Mahapatra,
Ms. Madhurai Sinha,
Ms. Upasana Banerjee,
Mr. Bisal Roy
... For the *de facto* complainant.

Learned advocate appearing for the petitioner submits that petitioner was arrested on 27.05.2026 and since then he is in custody; copies have already been supplied, however, charges are yet to be framed.

Learned advocate appearing for the *de facto* complainant opposes the prayer for bail and submits that petitioner being the father has sexually abused the child.

Learned advocate appearing for the State also opposes the prayer for bail and draws the attention of the Court to the statement of the victim recorded under Section 183 of the BNSS.

It is also reflecting that there are certain injuries/burns. I have taken into account the materials appearing in the case diary, although the incident complained of is beyond approval, but further detention of the present petitioner in connection with the instant case is unwarranted in the facts and circumstances of the case. As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner shall be released on bail upon furnishing bond of Rs.20,000/-, with two sureties of Rs.10,000/- each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the POCSO Act, Chanchal, Malda.

If on bail, the petitioner shall be physically present on each and every date before the learned Special Court and shall not leave the jurisdiction of the district of Malda without prior permission of the learned Special Court.

Additionally, the petitioner shall stay outside the jurisdiction of Ratua Police Station and meet with the Officer-in-Charge or any police officer deputed by the Officer-in-Charge, Ratua Police Station once in every ten days till the evidence of vulnerable witnesses is over.

The observations made above are only restricted for adjudication of the bail application and should not be considered a final opinion on the merits of the case.

Memo of Evidence submitted on behalf of the State be kept with the record.

The application for bail, being CRM (M) 2172 of 2026, is, thus, disposed of.

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.)