

09.02.2026

Item No. M/L.189

Ct.No.35

dc.

Allowed

IN THE HIGH COURT AT CALCUTTA

CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (M) 2405 of 2025

In Re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Habibpur Police Station Case No. 122 of 2023 dated 14.04.2023 under Section 376D of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : **Shib Hansda and another**

... Petitioners.

Mr. Tapodip Gupta,
Mr. Suman Bhanja,
Mr. Golam Ahammed

... For the Petitioners.

Mr. Aniket Mitra,
Mr. Asraf Mandal

... For the State.

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

Learned advocate appearing for the petitioners submits that the petitioners are in custody for 2 years 10 months and majority of the vulnerable witnesses have already been examined including the victim.

Learned advocate appearing for the State, on the other hand, opposes the prayer for bail and produces the case diary.

I have taken into account the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, medico-legal examination of the victim and CFSL report. Having considered the totality of the circumstances, I

am of the view that since the petitioners are already in custody for 2 years 10 months, further incarceration of the petitioners are unwarranted. As such, the prayer for bail of the petitioners is **allowed**.

Accordingly, the petitioners viz., 1. **Shib Hansda** and 2. **Haren Hansda** shall be released on bail upon furnishing bond of Rs.20,000/- each, 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-cum-Additional District Judge, 2nd Court, Malda.

If on bail, the petitioners shall be physically present on each and every date so fixed by the learned Special Court and shall not leave the jurisdiction of the district of Malda without the leave of the learned Special Court.

The evidence of the victim submitted by the learned advocate appearing for the petitioners be kept with the record.

The application for bail, being CRM (M) 2405 of 2025, 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.)