

19.03.2026
Ct. No. 237
Sl. No.9
skg
Allowed

CRM (M) - 2784 of 2025

In Re: An Application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with
Nakashipara Police Station Case No. 1082 of 2025 dated
09.10.2025 under Section 6 of POCSO Act, pending
before the Learned Judge Special Court under POCSO
Act, Krishnagar, Nadia arising out of POCSO Case no.
144 of 2025.

And

In Re : **Tapas Swarnakar**

...petitioner

Mr. Joydeep Biswas,
Mr. Asraf Mondal,
Mr. Kaushik Ghosh,

.....for the petitioner

Ms. Subhashree Patel,
Mr. Sourat Nandy,

...for the State

Mr. Dr. Siddhartha Goswami,
Ms. Upasana Shaw,

...for de facto complainant

The learned Advocate appearing for the petitioner
submits that, at the time of lodging the F.I.R. on October 9,
2025, the victim was admittedly over 21 years of age.
However, in the F.I.R., it is alleged that the first instance of
rape occurred when the victim was approximately 17 years
old. It further appears that the petitioner had been engaged
as a private tutor to the victim, and that a relationship
between them continued for at least four years. In view of
the considerable delay in lodging the F.I.R., the possibility of

the alleged first incident having been antedated cannot be ruled out.

The learned Advocate appearing for the de facto complainant strongly opposes the prayer for bail.

The petitioner has been in custody for approximately 161 days, and the charge-sheet has already been filed. The allegations set out in the F.I.R., read in conjunction with the statement of the victim recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, prima facie suggest the existence of a prolonged consensual relationship between the parties.

Having regard to the statement of the victim recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, this Court is inclined to grant bail to the petitioner.

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

It is further directed that the petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate any witnesses or tamper with evidence in any manner. Failure on the part of the petitioner to comply with the aforesaid conditions shall entitle the trial Court to cancel the bail granted to the

petitioner in accordance with law, without any further reference to this Court.

Accordingly, CRM (M) 2784 of 2025 stands allowed.

(Kausik Chanda, J.)