

17.06.2026
Court No.4
Item No.25
SN

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM (M) 118 of 2026

In Re: - An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with G.D.E No.
1055 of 2024 arising out of Matigara P.S. Case No. 563 of 2024,
dated 19.09.2024 under Section 173 of the Bharatiya Nagarik
Suraksha Sanhita, 2023 read with Section 4 of the POSCO Act,
2012

In the matter of: **Tarini Barman**

....Petitioner.

Mr. Nripen Das
Mr. Debanjan Das
Ms. Sukanya Bhaumik

...For the Petitioner.

Mr. Avrojoyti Das, APP
Mr. Debabrata Rai

...For the State.

Ms. Nandini Chatterjee
Ms. Meghna Thakur

... For the de facto complainant.

1. The learned counsel representing the petitioner during his
exhaustive submission submits that this accused petitioner is a
senior citizen, aged about 65 years and is in custody since 19th
September, 2024. He further submits that from the Medicolegal
examination it appears that there has not been any injury to the
victim girl. He further submits that inspite of the same, the
petitioner is in incarceration since being arrested, that is, nearly
about two years and is languishing in Correctional Home. He

further submits that inspite of several schedules fixed, the victim girl is not appearing before the Court to depose.

2. Considering such situation the learned counsel refers to a judgment passed by the Hon'ble Apex Court in **Criminal Appeal No. 457 of 1994**, dated 23.09.2003, in **The State of Karnataka Vs. Mapilla P.P. Soopi**. He refers to another judgment passed by the Hon'ble Apex Court in **Criminal Appeal No. 98 of 2021**, arising out of SLP(Cri) No. 11616 of 2019, decided on 1.2.2021, in the case between **Union of India And K.A. Nageeb**. He has also provided another judgment of the Hon'ble Apex Court passed in **Criminal Appeal No. 2790 of 2024**, decided on 18.7.2024, in the case between **Sheikh Javed Iqbal Vs. State of Uttar Pradesh**, and banking upon the aforementioned facts and circumstances, the learned counsel prays for bail.

3. The learned counsel representing the de facto complainant vociferously objects to the prayer for bail and refers to the entire deposition of the victim girl held on 19th July, 2025 and 15th January, 2026 and further submits that the victim girl is intellectually disabled to the extent of 80%.

4. The learned APP representing the State vehemently opposes the prayer for bail and adopts the submission of the learned counsel representing the de facto complainant.

5. On going through the Case Diary, it appears that the victim girl is specially challenged being intellectually disabled to the extent of 80% having "Down syndrome". In addition to the above, on going

through the deposition of the victim girl, this Court is not inclined to grant bail to the petitioner. Hence, the prayer for bail is rejected.

6. The Case Diary is returned to the learned APP in Court today.

7. The unsealed envelope is again sealed after conclusion of hearing and be kept with the record.

8. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Supratim Bhattacharya, J.)