

February 12, 2026

29 ARDR
Allowed

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 374 of 2025

In Re : An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with **Bhaktinagar**
Police Station case no. **456** of **2025** dated **20/5/2025** under
Sections **137(2)/140(3)/4** of Protection of Children from Sexual
Offences Act, 2012.

And

In Re : **Bishal Sarkar**

... Petitioner

Adv. Sourav Ganguly,
Adv. Bibek Tarafder,
Adv. Gopal Roy,
Adv. Rishita Chakraborty,

... for the Petitioner.

Adv. Jaydeep Kanta Bhowmik,
Adv. Sayantan Bhowmik,
Adv. Shubham Kumar,
Adv. Sayantani Das,

...for the defacto complainant.

Adv. Aditi Shankar Chakraborty,
Adv. Kallol Acharjee,
Adv. Sagnik Sankar Sikdar,

...for the State.

The petitioner is in custody for about 200 days and prays for
bail.

Learned counsel for the petitioner submits that the victim
voluntarily left her house for which a missing diary was lodged by
her father. She was recovered from Bengaluru. Statement of
independent witness recorded under Section 180 of the BNSS
demonstrates that the petitioner and the victim were residing in
Bengaluru together as husband and wife.

Learned counsel for the defacto complainant submits that the victim is a minor and was forcibly abducted by the petitioner and confined in Bengaluru. She was recovered therefrom.

Learned counsel for the State opposes the prayer for bail.

I have considered the material on record.

It appears from the statement of the victim recorded under Section 183 of the BNSS that she voluntarily left with the petitioner for Alipurduar and thereafter went to Bengaluru. It is a fact that the victim was a minor at the relevant time and her consent is not valid or acceptable in the eye of law. However, since the material on record prima facie suggests a consensual relationship between the parties and also since charge sheet has been submitted and trial is in progress, further detention of the petitioner is not required. It is also submitted that the victim did not appear before the learned trial Court for adducing evidence on five consecutive days and date for recording her evidence has been fixed on 7th March, 2026.

Accordingly, the prayer for bail is allowed.

The petitioner namely **Bishal Sarkar** be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom should be local, to the satisfaction of the learned Additional Sessions Judge, 2nd Court, Jalpaiguri subject to condition that he shall appear before the learned trial Court on every date of hearing. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions as stated above without justifiable cause, the learned trial Court shall be at

liberty to cancel his bail in accordance with law without further reference to this Court.

CRM (M) 374 of 2025 is thus disposed of.

Case Diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Suvra Ghosh, J.)