

POCSO 03 of 2026

Present : Aparna Chaudhury
Judge, Special Court (POCSO), Haldia,
Purba Medinipur.
In-charge

Ref : Bhabanipur PS Case No. 331/25 dated 14.11.2025.

Order No. 19 dated 12.03.2026

Today is fixed for production of the accused Santanu Chakraborty and Sourav Chakraborty, appearance of accused Samir Das and E.R. of W/A in respect of accused Manas Chakraborty.

Accused Santanu Chakraborty and Sourav Chakraborty are produced from J/C through VC. They are taken into custody and remanded to J/C till next date.

Accused Samir Das, on Court bail, is present by filing hazira.

No execution report has been received from the Bhabanipur PS in respect of Warrant of Arrest against accused Manas Chakraborty.

Issue reminder at once.

Learned Advocate appearing for the accused and the ld. Spl. P.P., both are present.

Regular P.O. is engaged in SIR work vide Hon'ble Court's Notification No. 956-R(JS) dt. 21.02.2026 and also Judicial Department, Govt. of West Bengal Notification No. 616/1-J/JD/4P-01/09 dt. 21.02.2026.

One bail application supported by affidavit has been filed on behalf of Santanu Chakraborty and Sourav Chakraborty. Copy served.

The bail application filed on behalf of the accused is taken up for hearing in presence of both sides.

From the averment made on affidavit, it appears that no similar bail application has been filed before the Hon'ble High Court, Calcutta or before any superior Court on behalf of the accused/petitioners and/or pending and/or rejected by the Hon'ble Court or by any superior Court.

Ld. Advocate appearing on behalf of the accused/petitioners submits that these accused/petitioners were previously on bail but against cancellation of bail, they were taken into custody. It is also the contention of the ld. Advocate for the accused/petitioners that these accused/petitioners are in custody since 21.02.2026. Ld. Advocate submits that the accused/petitioners will not misuse the liberty of bail again. He also submits that nothing is left in this case for investigation since the charge-sheet has already been submitted. He further submits that if these accused/petitioners are released on bail, there is no chance of tampering any evidence. He prays for bail of the accused/petitioners on any condition.

Ld. Special P.P. produces the C.D. for the consideration of this Court. Ld. Special P.P. submits that both the accused/petitioners are on bail but as they violated

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the bail conditions imposed, their bail was cancelled. She also submits that these accused persons, in violation of this Court's order not only entered into the jurisdiction of Bhabanipur PS but also threatened the de facto complainant and the victim with dire consequences to withdraw the case and committed the offence of damaging the house property of the petitioner etc. It is also the contention of Id. Special P.P. that regarding that incident, a specific case, being Bhabanipur PS Case No. 46/26 dt. 15.02.2026 u/sec. 115(2)/126(2)/223/3(5)/324(4)/351(2) of BNS has already been started. She prays for rejection of the bail prayer of the accused/petitioners.

Heard both sides.

Perused the FIR, CD and other materials on record including the order passed in Crl. Misc. Case No. 15 of 2026.

From the order dated 21.02.2026 passed in Criminal Misc. Case No. 15 of 2026, it appears that the accused/petitioners were earlier granted bail. Apart from the execution of bail bonds, certain conditions were imposed upon them, namely that they shall remain outside the jurisdiction of Bhabanipur Police Station and shall not enter the said jurisdiction until the recording of evidence of the de facto complainant and the victim(s), except for the limited purpose of meeting the Investigating Officer. They were further directed to immediately intimate to the Investigating Officer their present address outside the jurisdiction of Bhabanipur Police Station. The accused/petitioners were also restrained from contacting or attempting to contact the complainant, the victim(s), or any person connected with the case. Additionally, they were directed not to tamper with the evidence and not to directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case. It was further stipulated that, in the event of any breach of the said conditions, the order of bail would stand automatically cancelled.

In the said order, this Court had also observed that once bail is granted, it should not be cancelled mechanically or casually. However, if it is demonstrated that the accused has tampered with evidence, influenced witnesses, absconded, committed another offence, or violated the conditions of bail, the Court is empowered to cancel the bail.

It further appears from the said order that, as per the report of S.I. Ananda Mondal of Bhabanipur Police Station, duly forwarded by the Officer-in-Charge of Bhabanipur Police Station, another FIR has been lodged against the present accused persons along with others, being Bhabanipur Police Station Case No. 46/26 dated 15.02.2026 under Sections 115(2)/126(2)/223/3(5)/324(4)/351(2) of the Bharatiya Nyaya Sanhita (BNS).

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From the materials on record, it appears that the accused/petitioners have misused the liberty granted to them by the Court, particularly by tampering with evidence, influencing witnesses, and by allegedly committing further offences, thereby warranting cancellation of the bail earlier granted to them.

On perusal of the case record, it further appears that another accused, namely Manas Chakraborty, who happens to be the father of the present accused/petitioners, is still absconding.

Having considered the facts and circumstances of the case, as well as the conduct of the accused/petitioners, this Court is of the view that if they are released on bail at this stage, there is a strong likelihood that the proceedings and/or trial of the case may be protracted or otherwise hampered. Accordingly, I am of the considered opinion that the prayer for bail of the accused/petitioners deserves to be refused.

Accordingly, prayer for bail of the accused/petitioners is **rejected**.

Fix **20.04.2026** for production of the accused Santanu Chakraborty and Sourav Chakraborty, appearance of accused Samir Das and E.R. of W/A in respect of accused Manas Chakraborty.

The Warrant Officer of the concerned PS to execute the W/A positively and without fail.

Inform.

Dict. & corrected by me.

Judge, Special Court (POCSO),
Haldia, Purba Medinipur.

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Special Court (POCSO),
Haldia, Purba Medinipur.
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