Criminal Misc. Case No. 18 of 2026
(CNR-WBEM-05-000-212-2026)Criminal Misc. Case No. 18 of 2026

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

Order No. 02 dated 07.03.2026.

Today is fixed for hearing the bail application of the accused/petitioner, namely, Tapan Jana, filed under Section 482 BNSS/438 of Cr.P.C., in connection with Sutahata PS Case No. 59/2026 dt. 27.02.2026 under Sections 329(4)/76 of BNS and under Section 8 of POCSO Act, corresponding to PTN WBEM05P0000122026, pending before the Ld. Special Court (POCSO), Haldia, Purba Medinipur.

It is admitted position that no bail application u/sec. 482 BNSS/438 of Cr.P.C has been filed before the Hon'ble High Court, Calcutta or before any superior Court on behalf of this accused/petitioner and/or pending and/or rejected by the Hon'ble Court or by any superior Court, as it appears from the averments made on affidavit.

The application for bail under Section 482 BNSS is taken up for hearing.

In support of the application for anticipatory bail, learned Advocate appearing for the accused/petitioner submits that the FIR is motivated and based upon fabricated story. It is also the contention of the ld. Advocate for the accused/petitioner that there is delay in lodging the FIR. He prays for liberty of anticipatory bail also on the proposition that the overt act as revealed in the F.I.R is totally false. He also submits that the this accused/petitioner is a married person having three children and a Govt. employee also having social status. In support of his contention, ld. Advocate for the accused/petitioner files some photocopies of documents by way of list of documents. He further submits that statement of the victim under Section 183 of BNSS has already been recorded. It is contended by the ld. Advocate for the accused/petitioner that the present accused/petitioner is a permanent inhabitant within the jurisdiction of this Court and there is no chance of his absconding. As such, he prays for anticipatory bail in favour of the accused/petitioner.

On the other hand, Ld. Special P.P. produces the C.D. for the consideration of this Court. Ld. Special P.P. raises objection against the prayer for bail of the accused/petitioner.

Heard both sides.

Perused the FIR, case-diary and other materials-on-record.

This Court have considered the submissions of both sides. I have perused the FIR statement and also the statement of the victim girl recorded under Section 183 of the BNSS in details. It is fact that the medical examination of the victim has been declined. Upon a careful examination of the Case Diary, this Court finds certain apparent inconsistencies between the FIR statement and the documents collected by the Investigating Officer during the course of investigation so far. In the aforesaid circumstances, and having regard to the nature of the allegations and the materials available in the Case Diary, this Court is of the considered view that custodial interrogation or detention of the accused/petitioner does not appear to be necessary for the purpose of effective investigation of the case. As such, this Court finds no justifiable ground to refuse the prayer for anticipatory bail made on behalf of the accused/petitioner.

Accordingly, the prayer for anticipatory bail of the accused/petitioner u/s 482 of BNSS is **allowed.**

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Conti.....Order No. 02 dated 07.03.2026.

Accordingly, in the event of arrest, the accused/petitioner, namely, **Tapan Jana** may find bail of Rs. 5,000/- with two sureties of Rs. 2,500/- each of the like amount, subject to the satisfaction of the Arresting Officer and on condition that the accused/petitioner, named above, shall **meet the I.O. of this case once in a week** till completion of investigation, with further condition that he shall **surrender before the ld. Trial Court within fortnight** and upon released on bail, the accused/petitioner, named above, shall not **try to influence the witness(es)** and/or to **tamper with the evidence**; he shall not **try to meet the complainant and / or victim**; the accused/petitioner shall **make himself available before the Court on each and every date fixed** except on unavoidable circumstances and the accused/petitioner shall **comply the condition of section 482(2) of BNSS**.

Return the C.D.

The Cr. Misc. case is thus disposed of.

Let a copy of this order be tagged with the original record.

D/C by me,

Judge, Special Court, Haldia

Judge, Special Court (POCSO)
Haldia, Purba Medinipur.
In-charge