

Criminal Misc case no. 108 of 26

**Present : Neyaz Alam, In -charge,
Judge, Exclusive POCSO Court,
Contai, Purba Medinipur.**

Order No. 06 ;

Dated : 10.06.2026.

Today is fixed for hearing of this Criminal Miswc. Case under section 482 of the BNSS filed on behalf of the accused persons/petitioner, namely, Chandan Maity who is apprehending arrest in connection with SC no. 197 of 2026 arising out of Contai PS case no. 187 of 2026 dated 09.04.2026 under section 115(2)/329(4)/351(2)/76 BNSS. 2023 read with S./ 18/4 POCSO Act.

The Ld. Special P. P and the Ld. Advocate for accused/petitioners are present.

The Ld. Advocate for the accused by swearing affidavit stated that no such application under Section 482 of the BNSS, 2023 is either filed or pending before any higher forum or rejected by any higher forum.

The Ld. Counsel for the accused person/petitioner has submitted that the defacto complainant alleges that she went to the PS to lodge complaint against the petitioner but no step was taken. She had filed the complaint before the Superintendent of Police, Purba Medinipur for taking cognizance of the offence. However, due to non taking of the steps, the complainant made an application u/s 115(2)/329(4)/351(2)/76 BNSS. 2023 read with S./ 18/4 POCSO Act. The Ld. Counsel however, pointed out that the petitioner and the defacto complainant have longstanding dispute and this case is the result of that dispute. It has been specifically argued that in a serious POCSO offence, the victim refused to undergo medical examination and lastly no custodial interrogation is necessary as the complaint ended in charge sheet.

The Ld. Special P. P leaves the matter to the discretion fo the court.

The Ld. Counsel for the defacto complainant appears and opposes the prayer for bail.

Perused the CD including the FIR, statement recorded U/c 183 of BNSS and Medico legal report. When there is a serious allegation fo sexual assault but victim refuses to undergo medical examination, suspicion grows up. Investigation is complete and considering the fact that the petitioner is ages about 45 years and happens to be a private tutor, there is no requirement of custodial interrogation of the petitioner. Hence, the benefit of anticipatory bail goes to the accused.

In the event of the arrest, the accused/petitioner namely Chandan Kumar Maity shall be enlarged on furnishing bail bond of Rs. 10,000/- with two sureties of Rs. 5,000/- each subject to the satisfaction fo the Arresting Authority on condition not to thereat or induce the defacto complaint and/or the witnesses of this case. Accused petitioner is further directed to meet the I.O once in a week till further order. If released on anticipatory bail, accused/petitioner id directed to comply with the conditions mentioned in Section 482(2) BNSS .

The application for anticipatory bail is thus, disposed of on contest.

C/D is returned.

Let a copy of this order be tagged with the case of record of SC no. 197 of 2026.

Note it.

Dictated and Corrected By:

Sd/-
Judge, Special Court (POCSO)
Contai, In-charge

Sd/-
Judge, Special Court (POCSO)
Contai, In-charge