

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

CRM/5/2025

In Re:- An application for bail under section 483 of BNSS, 2023 filed on 28.10.2025 in connection with FIR No.5 of 2025 dated 06.03.2025, PS Swaraj Dweep under Section 64/44(2)/351 (2) BNS, pending before the learned Sessions Judge at Port Blair being Sessions Case No. 26 of 2025.

And
In the matter of

Mr. Paul Louis John Collins

Vs

The State

Mr. D.Ilango ... for the petitioner

Mr. Sumit Kumar Karmakar ... for the State

November 3, 2025
[AKB]
Item No.4

Allegedly, the victim being a resident of Bangalore visited the Havelock Island as a tourist along with her friends on 20.02.2025 and engaged herself in several water activities in the aforesaid Island in the company of her old and new friends. Incidentally she got acquainted with the present petitioner being 61 years of age and contemplated future business transactions in collaboration with him and his son through intermediaries, who were other tourists on the Island. The acquaintance between the victim, the petitioner and other friends prompted them to partake for dinner at a local restaurant before parting on 25.02.2025. The victim along with her friends indulged in drinking wine and had been inebriated. The victim stated to have been spiked by the petitioner and unconsciously, ravaged sexually, without her knowledge and consciousness. On regaining consciousness next morning the

victim realized to have been sexually molested by the petitioner and saw the petitioner in objectionable physical state who further persuaded the victim to prolong physical intimacy to which the victim protested. Subsequently gathering her wearing apparels she left the association of the petitioner. She disclosed of her been sexually assaulted to her close friend who accompanied her from Bangalore, however, failed to seek proper assistance from her who had to immediately catch a flight for Bangalore. The victim subsequently on reaching Port Blair went to the private hospital to get herself medically examined, but was refused on the ground of the status of the hospital to have been a private institution. The victim further went to the government hospital being G.B. Pant on recommendation, however, she did not get proper assistance medically therefrom.

On 26.02.2025 the victim left for Bangalore and lodged the complaint through Zero FIR at the local police station and thereafter through an email at Havelock Police Station on 06.03.2025, which culminated in the registration of FIR No. 5 of 2025 dated 06.03.2025, PS Swaraj Deep, under Section 64/11 (2)/351 (2) of BNS, 2023.

The learned advocate representing the petitioner submitted the delay in filing the complaint had been manipulative in order to falsely implicate the petitioner. Before the 46th Additional Chief Judicial Magistrate Bangalore, while recording her statement under Section 183 of the BNSS, 2023 the victim did not narrate the incident describing the alleged offence to have been committed by the petitioner. However,

when her statement was further recorded under Section 183 of the BNSS at the Judicial Magistrate at Port Blair, she exaggerated the facts and circumstances to have been faced by her contrary to her narrative in the complaint.

It was further submitted, the charge sheet had been filed on 02.05.2025. The charges have been framed. One of the prosecution witnesses has been examined. Intermittently in judicial custody the petitioner had been detected with carcinoma in one of the kidneys which had to be removed from his body. Furthermore his passport and other necessary documents have been seized by the police station.

Mr. D.Ilango, the learned advocate further submits the scope of the petitioner to abscond is negated since his passport is required to be presented to leave the islands either through the ship or by air being a foreign national and accordingly seeks for grant of bail.

Mr. Sumit Kumar Karmakar, learned advocate representing the State submitted the charges against the petitioner had been grave and victim girl was yet to be examined. The presence of the petitioner is required to face the trial and therefore his custody must be extended till the completion of trial.

The charge sheet to have been filed on the 02.05.2025, the charges to have been framed and trial to have been in process, further custody of the petitioner is not required, however being a foreign national his presence is to be secured

throughout the process of trial before the concerned Sessions Court till the judgement is delivered.

The petitioner is granted bail on the following conditions:-

1. The petitioner shall be released on bail by furnishing bond of Rs.50,000/- (Rupees fifty thousand only) with two registered sureties with the satisfaction of learned Chief Judicial Magistrate at Port Blair.
2. The petitioner is to visit the SHO, PS Aberdeen once a week till the completion of trial. The SHO, PS Aberdeen is to maintain a diary recording his attendance.
3. The passport and relevant documents seized by the Havelock Police Station shall not be released to him till the judgement is delivered by the Sessions Court.
4. The petitioner is to attend the Trial Court on each and every date of trial.

With the above directions CRM/5/2025 is disposed of.

(Ananya Bandyopadhyay, J.)