

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

CRM/9/2025
(IA NO: CRAN/1/2025)

In Re:- An application for bail under Section 483 of BNSS, 2023 filed on 15.12.2025 in connection with Special (P) Case No. 18 of 2025, FIR No. 46 of 2025 dated 29.08.2025, Charge Sheet No. 67 of 2025, dated 22.10.2025 PS Kalighat under Sections 3/4/18, 7/8, 11/12 of the POCSO Act 2012 read with section 107/76/78/[5] of the BNS, 2023.

And
In the matter of

Surojit Hawlader

Vs

The State

Mr. D. Ilango ... for the petitioner

Mr. Sumit Kumar Karmakar ... for the respondent

December 19, 2025

[AKB]

Item No.7

1. The petitioner herein prays for bail in the proceeding being Special (P) Case No. 18 of 2025, FIR No. 46 of 2025 dated 29.08.2025, Charge Sheet No. 67 of 2025, dated 22.10.2025 PS Kalighat under Sections 3/4/18, 7/8, 11/12 of the POCSO Act 2012 read with section 107/76/78/[5] of the BNS, 2023, who is in custody since 30.08.2025 about 110 days.

2. The victim No.1 in the present case is aged about 13 years and is also the defacto complainant as her statement has been recorded in presence of her uncle Shri. Gopal Choudhari.

3. It *prima facie* appears from the contents of her statement which has been treated as a complaint, that the accused Ritesh was apparently in love with the victim No.2 sister of victim No.1

sister and he used to allegedly ask victim No. 1 to not accompany victim No.2, so that he would have the opportunity to speak to the victim No.2.

4. It is the case of the victim No.1 that as the victim No.2 was not interested in having a relationship with the accused Ritesh, the victim No. 1 used to prevent the accused Ritesh from meeting the victim No. 2.

5. In the statement treated as complaint, it appears that the victim No.1, on the date of incident being 29.08.2025 was allegedly asked by the accused persons to bring the victim No.2 as they wanted to talk to her but the victim No.1 refused and the accused person got angry and left the premises.

6. The victim No.1 has stated that as such she got scared as she had also been threatened earlier by the accused persons. She then states in her complaint that on the date of incident, she went to her grandmother's room and consumed pesticide.

7. Later she went to school, where she had stomach pain and was later treated by the Doctors. Victim No.1 has further stated that she took pesticide as she was afraid with the accused persons could do anything to her.

8. Learned Public Prosecutor has relied upon the statement of the victim No.1 recorded under Section 164 Cr.P.C on 22.09.2025, wherein it appears that the said victim has **developed her case considerably** and has also included all ingredients as required to *prima facie* constitute the offences as

alleged under the POCSO Act. **The said statement has been recorded after about 24 days from the date of incident.**

9. From the record it *prima facie* appears that the victims and the accused Ritesh were students of the same school and were known to each other. The other accused persons are his friends.

10. The medical papers of the victim No.1 in the Case Diary relates to only the consumption of pesticide and her treatment in respect of said consumption of pesticide.

11. **Charge sheet in the present case has been submitted on 22.10.2024.**

12. Considering all these facts and the age of the accused person's including the petitioner herein and the facts and circumstances in the present case, this Court **grants bail to the petitioner namely Surojit Hawlader, who is in custody for about 110 days.**

13. Accordingly, the petitioner **namely Surojit Hawlader** be released on bail of Rs. 10,000/- (Rupees Ten Thousand only), with two registered sureties of Rs. 5,000/- each, to the satisfaction of the learned Special Judge at Mayabunder, North and Middle Andaman, Mayabunder on also the following conditions:

- i) The petitioner should not leave the jurisdiction of the Court without prior permission of the Court.

ii) The petitioner shall not live in the village where the victims resides and shall not enter the said village without prior permission of the Court.

iii) The petitioner shall not threaten the victims or witnesses.

14. CRM/9/2025 stands disposed of as allowed along with all connected application, if any.

15. Parties to act on the server copy of this order downloaded from the official website of this Court.

[Shampa Dutt (Paul), J.]