

24.09.2024
DL-15
(Bail **Rejected**)
(AD)

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (DB) 482 of 2024

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973 presently under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Special (POCSO) Case No.31(04) of 2024** arising out of **Pradhan Nagar** Police Station Case No. **1016** of **2023** dated **10.12.2023** under Sections **363/365** of the Indian Penal Code, 1860 and Charge Sheet No.323 of 2024 dated 24.06.2024 under Sections **363/365** of the Indian Penal code, 1860 adding Section **6** of the Protection of Children from Sexual Offences Act, 2012.

-And-

In the matter of : Amir Khan

... ..Petitioner

Mr. Anirban Banerjee

... .. For the Petitioner

Mr. Nilay Chakraborty, Ld. APP
Mr. Sagnik Sankar Sikdar

... ..For the State

1. Petitioner prays for bail.
2. Learned Advocate appearing for the petitioner submits that, the petitioner is in custody in excess of 255 days.
3. Learned Advocate appearing for the State submits that, initially, a police case was registered under Sections 363/365 of the Indian Penal Code, 1860. Victim was recovered. Victim recorded her statement under Section 164 of the Code of Criminal Procedure. Thereafter, on medical examination, the victim was found to be pregnant.
4. We find from the records that, the victim recorded her statement under Section 164 of the Code of Criminal

Procedure which is exonerative in nature. She claims that, there was no physical relationship between her and the petitioner subsequent to their marriage. However, medical evidence in the case diary suggests that, the victim is pregnant. Victim is a minor. Police added Section 6 of the POCSO Act.

5. In such circumstances, we are unable to grant bail to the petitioner.
6. Accordingly, the prayer for bail of the petitioner is rejected.
7. **CRM (DB) 482 of 2024** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)