

17.02.2025
Item no. 22.
Court No.29.
AB
(Rejected)

CRM (DB) 140 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliaganj Police Station Case No.510 of 2022 Dated 16.10.2022 under Section 6 of the POCSO Act

And

**In the matter of : Budhan Debsharma @ Mudhan
.....Petitioner.**

Mr. J. I. Hossainfor the Petitioner.

Ms. Shaila Afreen
Mr. Subhasis Duttafor the State.

Mr. Nirupam Dhalifor the Defacto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for two years and four months. Only 2 out of 20 charge sheet named witnesses have been examined. He has been falsely implicated in this case because of family rivalry. He prays for bail.
2. Learned Advocate of the State draws our attention to the medical report and the statement of the victim girl, who was seven years of age at the time of the alleged incident. She clearly narrates the heinous incident of how the petitioner sexually assaulted her. She said that she started bleeding after such assault. The medical report indicates that her hymen was ruptured and there was a stitch found in that area.

3. Given the heinous nature of the crime and the gravity of the offence coupled with the overwhelming material against this petitioner and considering that if the offence under Section 6 of the POCSO Act is established, the petitioner will have to undergo imprisonment for a minimum period of 20 years, which may extend to life term, we are not inclined to allow his prayer for bail, at this stage.
4. The prayer for bail is rejected.
5. CRM (DB) 140 of 2025 is dismissed.
6. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)