

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 642 of 2025

Ab

In Re:- An application for bail under Section 483 of the of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 11.02.2025 in connection with Ketugram Police Station Case No. 426 of 2024 dated 25.09.2024 under Sections 137(2)/140(3)/187/64(1)/64(2)(M)/61(2)(a) of the Bharatiya Nyaya Sanhita, 2023 and Sections 6/10 of the Protection of Children from Sexual Offences Act, 2012;

And

In the matter of : **XXXXXXXXXX**

...Petitioner.

**Mr. Pradip Kumar Chatterjee,
Mr. Mihir Kundu,
Ms. Maitrayee Chatterjee.**

...For the Petitioner.

**Mr. Partha Pratim Das,
Mr. Saptarshi Chakraborty.**

...For the State.

Ms. Sudeshna Das.

...For the *de facto* complainant.

Learned Advocate for the petitioner submits that the *de facto* complainant is in the habit of filing frivolous cases in order to blackmail the accused persons by making bald allegations of sexual exploitation. Previously, at the instance of the *de facto* complainant, another case was initiated. The victim is not a minor since previously she was married and her divorce has also taken place. The petitioner is in custody for 210 days. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State opposing such prayer for bail submits that the victim at the time of incident was a minor, as is

evident from her Birth Certificate. The investigation is under progress. The victim has categorically stated of the overt act of the petitioner before the Magistrate. He seeks for dismissal of the present application.

Learned Advocate for the *de facto* complainant also opposes the prayer for bail and submits that there are specific allegations against the petitioner made before the Magistrate. She seeks dismissal of the application.

Perused the case diary and the materials on record.

Although the statement of the victim recorded under Section 164 of the Cr.P.C. shows there are allegations against the petitioner of causing rape, however, the medical examination report shows that there is no such notable injury. The petitioner is in custody for 210 days. Considering the above, I am inclined to enlarge the petitioner on bail on some stringent conditions.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special POCSO Court, Katwa, Purba Bardhaman subject to the conditions that the petitioner shall meet the Investigating Officer once in a fortnight until further orders and shall not enter into the jurisdiction of Ketugram Police Station except for the purpose of attending the Court proceedings and reporting to the Investigating Officer. The petitioner shall furnish the address where he shall presently reside before the learned trial court, the investigating officer and the Officer-in-Charge of the police station under whose

jurisdiction he shall presently reside. The petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses or temper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions as stated above, the learned trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

Accordingly, the application for bail being **CRM (DB) 642 of 2025** is disposed of.

(Bivas Pattanayak, J.)