

03.04.2025
Item no.13
Court No.39
srm

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(DB) 720 of 2025

In Re:- An application for bail under Section 439 of the Code of Criming Procedure, 1973 corresponding to Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kakdwip Police Station Case No.165 of 2024 dated 07.07.2024 under Section 6(1) of the Protection of Children from Sexual Offences Act, 2012 (POCSO) and Section 363/365/376(2) of the Indian Penal Code and Sections 9/10 of the Prohibition of Child Marriage Act;

And

In Re : xxx

.... Petitioner

Mr. Manas Banerjee,
Ms. Aparupa Bhattacharya

...for the Petitioner

Mr. Saibal Bapuli, learned APP
Mr. Samarjit Balial

... for the State

Mr. Partha Sarathi Mondal,
Ms. Nandini Chatterjee

...for the *de facto* complainant.

Affidavit of service filed on behalf of the petitioner is taken on record.

State furnishes status report along with the service report in terms of order dated 25th March, 2025, which is taken on record.

Mr. Manas Banerjee, learned Advocate for the petitioner submits that petitioner is languishing in custody for 296 days. The victim and the petitioner were in relationship. There are no such allegations against the petitioner of his involvement in the alleged offence. Out of 9 accused persons 8 accused persons

have been granted anticipatory bail by the learned trial court. In view of the above, he prays for enlargement of the petitioner on bail.

On the contrary, Mr. Saibal Bapuli, learned Additional Public Prosecutor submits that as per the statement of the victim recorded under Section 164 of Cr.P.C., the present petitioner is the principal accused who was involved in sexual intercourse with the minor victim. He seeks for dismissal of the application. He files status report which is taken on record.

Ms. Nandini Chatterjee, learned Advocate appearing for the *de facto* complainant also submits that the petitioner took away the victim and had sexual intercourse with her and also tortured the victim in his house.

Perused the case diary.

The statement of the victim recorded under Section 164 of Cr.P.C. discloses serious allegations against the petitioner. It is found from the status report that date has been fixed on 6th May, 2025 for framing of charges.

Considering the gravity of the offence, this Court is not inclined to enlarge the petitioner on bail.

Accordingly, the prayer for bail of the petitioner is rejected.

The application for bail being **CRM (DB) 720 of 2025** stands dismissed.

Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)