

03.04.2025
Item No.08.
Daily List
Court No.39
Mithun

CRM (DB) 666 of 2025

In re : An Application for **Bail** under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **SCC (POCSO) Case No.33 of 2024** arising out of **Murutia Police Station Case No.243 of 2024** dated 16.08.2024 under Sections 351(3)/356(2)/319(2)/77/79 of Bharatiya Nyaya Sanhita, 2023 and Section 8 of Protection of Children from Sexual Offences Act, 2012.

-And-

In the matter of : Rubel Mondal

... Petitioner

Mr. Atis Kumar Biswas,
Mrs. Jyoti Agarwal

... ... For the Petitioner

Ms. Shalini Sairagi,
Mr. Priyankar Ganguly

...for the *de-facto* complainant

Mr. Soumik Ganguly,
Mr. Raju Mondal

... ...For the State

In compliance to previous order dated 25th March, 2025, the Investigating Officer of the case is present in Court.

Learned Advocate for the petitioner submits that there are no such allegations/incriminating materials against the petitioner so far as the alleged offence is concerned more particularly allegation of any penetrative assault. The petitioner is of a tender age of 19 years and fell in love with the victim. The only allegation is that the petitioner being a Muslim boy projected his religion as a Hindu before the victim, nothing more

nothing less. The petitioner is languishing in custody for last 180 days. He seeks for enlargement of the petitioner on bail.

On the contrary, learned Advocate for the State submits that pursuant to the previous order of this Court dated 25th March, 2025, the Investigating Officer has filed an application before the learned Trial Court for sending the seized mobile phone to the Cyber Forensic & Digital Evidence Examiners Laboratory, Kolkata for examination and report. The prayer of the Investigating Officer for holding further investigation has been allowed by the learned Trial Court. As per the statement of the victim, there are allegations against the petitioner of putting up fake stories in the facebook and also blackmailing her. He seeks for dismissal of the application. He files copy of order of the learned Trial Court dated 2nd April, 2025, which is taken on record.

Learned Advocate for the *de-facto* complainant also opposes the prayer for bail.

Perused the Case Diary.

Upon going through the statement of the victim recorded under Section 164 Cr.P.C., it is found that there are allegations against the petitioner of trying to blackmail the victim and also of putting up fake stories on the facebook. The order of the learned Trial Court dated 2nd April, 2025 shows that upon an application made by the Investigation Officer, further investigation has been directed for examination of the seized VIVO mobile phone by Cyber Forensic & Digital Evidence Examiners Laboratory,

Kolkata. Considering the above materials and gravity of the offence, I am 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) 666 of 2025** stands dismissed.

Appearance of the Investigating Officer is dispensed with.

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.)