

03.04.2025
Item no.11
Court No.39
srm

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

C.R.M.(DB) 716 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure 1973/Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Madhyamgram Station Case No.427 of 2024 dated 21.06.2024 under Section 363 of the Indian Penal Code and adding Section 6 of the Protection of Children from Sexual Offences Act, 2012;

And

In Re : Bikash Ghosal

.... Petitioner

Mr. Niladri Sekhar Ghosh,
Ms. Labani Sikder,
Mr. Souvik Dey

...for the Petitioner

Mr. Debasish Roy, learned PP
Mr. Arijit Ganguly,
Mr. Koushik Kundu

... for the State

This is an application under Section 439 of the Code of Criminal Procedure 1973 correspondence to Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023.

Mr. Niladri Sekhar Ghosh, learned Advocate for the petitioner submits that the petitioner is in custody for 285 days. The petitioner and the victim were in relationship. The short history stated by the patient before the attending doctor shows that the victim had sexual intercourse with protection. Thus, there was no forcible act on the part of the petitioner in the alleged offence. He also submits that a honey trap was led by the victim. To buttress his contention he relies on the decision of this Court passed in CRM(DB)473 of 2024 (*Bivas Das versus*

State of West Bengal). He seeks enlargement of the petitioner on bail.

On the contrary, Mr. Arijit Ganguly, learned Advocate appearing for the State submits that as per the statement of the victim recorded under Section 164 of Cr.P.C. there are serious allegations against the petitioner. Further, the petitioner at the time of incident was 12 years of age. He seeks for dismissal of the application.

Upon going through the statement of the victim, it is found that there are serious allegations against the petitioner of taking the victim with him and thereafter having sexual intercourse. The victim at the time of incident was 12 years of age.

The decision in *Bivas Das (supra)* is factually distinguishable and as such does not apply to the facts of this case.

Considering the materials as indicated above and 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) 716 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.)