

24.04.2025

Sl No.8

Ct. No.39

ss

(Allowed)

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

CRM (DB) 851 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Khanakul Police Station Case No.567 of 2024 dated 27.09.2024 under Sections 305/417/376 of the Indian Penal Code, 1860 read with Section 6(1) of POCSO Act, 2012.

And

In Re : Rahul Mal

.....Petitioner

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Ms. Labani Sikder
Mr. Souvik Dey

.....for the Petitioner

Mr. Joydeep Biswas
Mr. Bikram Mitra

.....for the State

Status report filed by the State is taken on record.

Learned Advocate for the petitioner submits that the petitioner is languishing in custody for last five months. There is nothing on record to connect the petitioner with the alleged offence. Till date no such DNA profiling has been done. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State opposes such prayer for bail and submits that as per statement of the witnesses there are specific allegations against the petitioner of his involvement in the alleged offence. He seeks for dismissal of the bail application.

Despite service none appears on behalf of the *de facto* complainant.

Perused the case diary and the materials on record.

The victim died out of hanging and at the time of death she was pregnant. The order of the trial court dated 17th February, 2025 records that DNA profiling of the accused has been done in the month of January, 2025. In view of such order this Court also directed the State to produce the report of DNA profiling of the accused. The status report discloses that the DNA profiling of the accused has not been conducted as yet. Charge-sheet has already been submitted upon completion of investigation without any DNA profiling report. Thus, as on date, the prosecution is not aided with the document i.e. DNA profiling report linking the pregnancy of the victim to the petitioner. The statements of the witnesses are general and is bereft of specificity. The petitioner is in custody for five months. Considering the above, I am inclined to enlarge the petitioner on bail.

Accordingly, the petitioner, namely, **Rahul Mal**, 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 a local, to the satisfaction of the learned Judge, Special Court, POCSO Act, Arambagh subject to condition that the petitioner shall report before the Inspector-in-Charge of concerned Police Station once in a fortnight until further orders. The petitioner shall not enter the jurisdiction of Khanakul police station except for the purpose of attending Court proceedings and reporting to the Inspector-in-Charge of concerned Police Station. The petitioner shall appear before the

learned Trial Court on each and every day of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973/Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. Further the petitioner shall co-operate with the investigating agency for conducting his DNA profiling, in the event such procedure is undertaken by them.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail in accordance with law without further reference to this Court.

Accordingly, the application for bail being **CRM (DB) 851 of 2025** is disposed of.

(Bivas Pattanayak, J.)