

02.05.2025
Sl. No.17
Ct. No.39
srm
(Allowed)

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

CRM (DB) 1024 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 439 of the Code of Criminal Procedure, 1973 in connection with Amdanga Police Station Case No.470 dated 11.07.2024 under Sections 363/365/376/354C/506 of Indian Penal Code, 1860 and under Section 6 of POCSO Act, 2012 pending before the learned Judge, Special POCSO Court, Barasat, North 24-Parganas.

And

In Re : Mokaddas Khan

.....Petitioner

Mr. Dipanjan Chatterjee,
Mr. Kalyan Kumar Bhattacharjee,
Ms. Kakan Das

.....for the Petitioner

Mr. Bibaswan Bhattacharya,
Ms. Rajashree Tah

.....for the State

Ms. Tannishtha Bandyopadhyay
...for the *de facto* complainant.

Learned Advocate for the petitioner submits that the learned Trial Court has observed that the prosecution case primarily discloses offence under Section 8 of the POCSO Act. There is delay of two years in lodging of the FIR. Though there are allegations of circulation of certain photos in the social media, but that is not supported by any evidence. Charge sheet has already been submitted after completion of the investigation and the petitioner is in custody for nine months. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State opposes such prayer for bail and submits that as per the statement of the victim there

are serious allegations against the petitioner of his involvement in the sexual assault and also circulating photographs in the social media. The mobile phone of the petitioner has been seized by the investigating agency and the forensic report is awaited. He seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant informs the Court that continuous threats are being given to the victim as well as the family members of the victim by the petitioner.

Perused the case diary and the materials on record.

The statement of the victim before the Magistrate implicates the petitioner of rape and circulation of photographs in the facebook. Be that as it may, there is no contemporaneous medical document showing of any injury to the victim. There are also no documents at present of any circulation of the photographs in the social media platform. Upon completion of the investigation charge sheet has already been submitted in this case and the petitioner is in custody for nine months. In view of the above, I am inclined to grant bail to the petitioner on stringent condition.

Accordingly, the petitioner, namely, **Mokaddas Khan**, 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 POCSO Court, Barasat, North 24-Parganas subject to the condition that the petitioner shall report to the Inspector-in-Charge of concerned Police Station once in a fortnight until further orders. The petitioner shall not enter the jurisdiction of

Amdanga Police Station except for attending the court proceedings and reporting to the Inspector-in-Charge of the concerned Police Station. The petitioner shall appear before the learned Trial Court on every date of hearing until further orders and shall not intimidate witnesses or tamper 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 his bail in accordance with law without further reference to this Court.

Accordingly, the application for bail being **CRM (DB) 1024 of 2025** is disposed of.

(Bivas Pattanayak, J.)