

04.07.2025
Item No.04.
Daily List
Court No.42
Mithun
(Allowed)

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

CRM (DB) 1054 of 2025

In re : An application for bail under Section 439 of the Code of Criminal Procedure 1973 read with Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Ketugram Police Station Case No.165 of 2024, dated 20.03.2024, under Sections 376/302/201/120B of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012, currently pending before the learned Additional Sessions Judge, 1st Court, Special Court under POCSO Court at Katwa, Purba Burdwan (Corresponding to Special Case No.08/2024) thereby rejecting the prayer for bail of the petitioner herein.

-And-

In the matter of : Twel Sk

... Petitioner

Mr. Sabir Ahmed,
Mr. Jakir Hussain,
Mr. Mazahar Hossain Chowdhury,
Ms. Chandrima Debnath,
Mr. Tasnim Ahamed,
Mr. Dhiman Banerjee,

...for the petitioner

Md. Zeeshan Uddin

...for the *de facto* complainant.

Ms. Anasuya Sinha, APP
Mr. Mujibar Ali Naskar,

... ...For the State

Learned Advocate appearing for the petitioner submits that the minor victim was employed in the house of the petitioner for doing household work. She committed suicide in the house of the petitioner. The petitioner is facing charges of rape and murder of the minor victim as well as offences under the POCSO

Act. Be that as it may, the post mortem report conducted by three Autopsy Surgeons clearly indicates that the victim committed suicide and there are no such injuries found in the body of the victim. The evidence of the relatives of the victim and one independent witness before the Trial Court also does not disclose of any overt act on the part of the petitioner in the alleged offence of murder or rape rather they have deposed of suicide by the victim. No case, thus, is made out by the prosecution of murder. The prosecution case is heavily based on the opinion given by the expert from FSL Kolkata that there is “*possibility of sexual assault and death by homicide cannot be ruled out*”. Thus, the case of the prosecution is totally based on surmises and conjectures. The petitioner is in custody for last 1 year and 1 month and the vulnerable witnesses namely the relatives of the victim have already been examined. He seeks for enlargement of the petitioner on bail on any condition.

Opposing such prayer for bail, learned Advocate for the State submits that an 11 year old minor victim has died while discharging her duties as a maid in the house of the petitioner. Over the incident, there was commotion in the locality and the statement of the police witness clearly would show that the victim was murdered and raped in the house of the petitioner. No such explanation has come up from the accused persons as to how the victim died in their house. The expert opinion clearly indicates that the “*possibility of sexual assault and death by homicide cannot be ruled out*”. The evidence of the Autopsy Surgeon, which can throw light on the cause of death of the

minor victim, is yet to be recorded. She seeks for dismissal of the bail application at this stage.

Learned Advocate for the *de facto* complainant leaves the matter to the discretion of the Court.

Perused the case diary and the materials on record.

There cannot be any quarrel that the *de facto* complainant, mother of the victim as well as other relatives of the victim and one independent witness namely P.W.1 to P.W.4 has not implicated the petitioner. The post mortem report records that *“the death was due to the effects of fatal neck pressure by ligature. Features are more inclined towards the possibility of hanging unless proved otherwise”*. No other notable injury is recorded in the post mortem report. The report of the expert in answer to question nos.1, 3 and 4 records *“possibility of sexual assault cannot be ruled out”* and answer to question nos.9 and 10 records *“possibility of homicide cannot be ruled out”*. These are the aspects which are to be examined in trial. The petitioner is in custody for more than one year. The *de facto* complainant and two other relatives of the victim have already been examined. Considering the above, I am inclined to enlarge the petitioner on bail on stringent conditions.

The petitioner, namely, **Twel Sk** 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 Additional Sessions Judge, 1st Court, Special Court under POCSO Act, Katwa, Purba Burdwan subject to condition that the petitioner shall report to the

Inspector-in-Charge of the concerned Police Station once in a fortnight. The petitioner shall not enter the jurisdiction of Ketugram Police Station except for the purpose of attending court proceedings and reporting to the Inspector-in-Charge of the concerned Police Station. The petitioner shall furnish the address where he shall presently reside before the learned Trial Court, the investigating officer and the Inspector-in-Charge of the police station under whose jurisdiction he shall presently reside. The petitioner shall appear before the learned Trial Court on each and every date fixed and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

It is made clear that the observation made hereinabove is only for the sake of disposal of this application.

Accordingly, **CRM (DB) 1054 of 2025** is disposed of.

(Bivas Pattanayak, J.)