

15.05.2025
Item No.19(DL)
Court No.39
srm
(Allowed)

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

C.R.M.(DB) 1063 of 2025

In re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Special (POCSO) Case No.88 of 2024 arising out of Hili Police Station Case No.149 of 2024 dated 26.09.2024 under Sections 65(1)/351(3)/3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Section 6(1) of the Protection of Children from Sexual Offences Act, pending before learned Special Judge, (under POCSO Act cum-ADJ, 2nd Court, Balurghat, Dakshin Dinajpur;
-And-

In the matter of : Sajib Mahanta

... Petitioner

Mr. Kaushik Choudhury

...for the Petitioner.

Mr. Anwar Hossain,
Mr. Santanu Deb Roy

... ...for the State.

Service report filed by the State is taken on record.

Learned Advocate for the petitioner submits that the victim and the petitioner had love affairs which was not accepted by the family of the victim, resulting in false implication of the petitioner. The victim refused to undergo medical examination. The petitioner is in custody for 230 days and upon completion of investigation the charge sheet has been submitted in this case. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State, opposing such prayer for bail, submits that the victim implicates the petitioner in her statement before the Magistrate. Trial has commenced and one

prosecution witness has been examined. 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 statement of the victim before the Magistrate shows that she had relationship with the petitioner. Though the victim alleges of forcible rape, but she refused to undergo medical examination. There are no contemporaneous documents in support of sexual assault. Upon completion of investigation charge sheet has already been submitted in this case. The petitioner is in custody for 230 days. In view of the above, I am inclined to grant bail to the petitioner.

Accordingly, the petitioner, namely, **Sajib Mahanta**, 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 Special Judge (under POCSO Act cum-ADJ, 2nd Court, Balurghat, Dakshin Dinajpur. The petitioner shall appear before the 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. The petitioner shall meet the Officer-in-Charge of Hili Police Station once in a fortnight, until further orders. The petitioner shall not enter within the territorial jurisdiction of Hili Police Station except for the purpose of

attending court proceedings and for reporting to the Officer-in-Charge of the concerned Police Station, until further orders. The petitioner shall furnish the address where he shall presently reside before the learned trial court, the investigating officer and the Officer-in-Charge of the police station under whose jurisdiction he shall presently reside.

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) 1063 of 2025** is disposed of.

(Bivas Pattanayak, J.)