

20.05.2025
Item No.13(DL)
Court No.39
srm
(Allowed)

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

C.R.M.(DB) 1090 of 2025

In re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with POCSO Case No.225 of 2024 arising out of Mothabari Police Station Case No.793 of 2024 dated 26.11.2024 under Sections 137(2)/140(3)/61(2) of the Bharatiya Nyaya Sanhita and under Sections 6 and 17 of the Protection of Children from Sexual Offences Act pending before learned Judge, Special Court, ADJ, 2nd Court, Malda;

-And-

In the matter of : Nasir Sk

... Petitioner

Mr. Sagar Saha,
Ms. Nayana Mukhopadhyay

...for the Petitioner.

Mr. Debabrata Chatterjee,
Mr. Rajib Jana

... ...for the State.

Service report filed by the petitioner is taken on record.

Learned Advocate for the petitioner submits that the statement of the victim is exonerative in nature. The victim left the house with the petitioner out of her own accord. Co-accused has been granted bail. The petitioner is in custody for six months and upon completion of investigation charge sheet has already been submitted in this case. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State opposes such prayer for bail and submits that the victim at the time of incident was 16 years of age and she was taken away by the petitioner and kept

confined in the house of the accused No.2. 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 shows that she left with the petitioner out of her own accord. There are no such allegations of any forcible sexual assault. The victim has refused to undergo medical examination. The petitioner is in custody for six months. Upon completion of investigation, charge sheet has already been submitted. In view of the above, I am inclined to grant bail to the petitioner.

Accordingly, the petitioner, namely, **Nasir 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 Special Judge Special Court, ADJ, 2nd Court, Malda. 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 Mothabari Police Station once in a fortnight, until further orders. The petitioner shall not enter within the territorial jurisdiction of Mothabari 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) 1090 of 2025** is disposed of.

(Bivas Pattanayak, J.)