

20.05.2025
Item No.16(DL)
Court No.39
Sws.M
(Allowed)

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

C.R.M.(DB) 1138 of 2025

In re : An order dated 17.03.2025 passed by the Learned Judge Special (POCSO Act)-cum-Additional Sessions Judge, Kalna, Purba Bardhaman by rejecting the prayer for bail of the petitioner in connection with Purbasthali Police Station case No.42 of 2025 dated 04.02.2025 under Sections 137(2)/140(3) of the Bharatiya Nyaya Sanhita, 2023 and Section 6 of the POCSO Act corresponding to G.R. Case. 272 of 2025.

-And-

In the matter of : Bimal Khatua

... Petitioner

Mr. Sabir Ahmed
Mr. Bhaskar Hutait

...for the Petitioner.

Mr. Saibal Bapuli
Mr. Sujoy Sarkar

... ...for the State.

Mr. Kingsuk Mondal

...for the *de facto* complainant.

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned Advocate for the petitioner submits that the statement of the victim is exonerative in nature. The victim out of her own accord left with the petitioner. At the first instance the victim was medically examined by the medical officer Purbasthali, BPHC and thereafter she was referred to Kalna where the victim refused to undergo medical examination. There are no evidences of any sexual assault. The family of the victim and the plaintiff has also decided to give in marriage of the petitioner to the victim. The petitioner is in custody for 95 days 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 submits that the victim was taken away by the petitioner. He seeks for dismissal of the bail application.

Learned advocate for the de-facto complainant also submits that the family of the victim and the petitioner has consented for marriage of the victim with the petitioner after the victim attains majority.

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 volition. There are no such allegations of any forcible penetrative sexual assault. The petitioner is in custody for 95 days. Upon completion of investigation, charge sheet has already been submitted. In view of the above, I am inclined to grant bail to the petitioner on stringent conditions.

Accordingly, the petitioner, namely, **Bimal Khatua**, 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, Kalna, Purba Bardhaman. 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.

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) 1138 of 2025** is disposed of.

(Bivas Pattanayak, J.)