

16.04.2025
Item No.06.
Daily List
Court No.39
Mithun

CRM (M) 15 of 2025

In re : An Application under Section 439 of the Code of Criminal Procedure, 1973/Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Special (POCSO) Case No.90 of 2024 arising out of Patiram Police Station Case No.164 of 2024 dated 16th June, 2024 under Section 363 with added Sections 365/376 of the Indian Penal Code, 1860 read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 corresponding to G.R. No.1139 of 2024.

-And-

In the matter of : Abhijit Dey

... Petitioner

Mr. Shibaji Kumar Das

...for the petitioner

Ms. Sheyashee Biswas,
Ms. Rita Datta

... ...For the State

In compliance to the previous order dated 7th April, 2025, State files service report which is taken on record. It is found that service has been effected upon the *de facto* complainant/victim.

Learned Advocate for the petitioner submits that the victim and the petitioner had love relationship and the victim voluntarily left her house to reside with the petitioner. There are no such incriminating materials against the petitioner who is languishing in custody for last two and half months. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State submits that the victim has refused to undergo medical examination. Further, charge has already been framed and schedule for examination of prosecution witnesses would start from today and continue till 23rd April, 2025.

Perused the case diary and the materials on record.

It is found from the statement of the victim that there are no such allegations of forcible sexual intercourse by the petitioner. The medical report shows that the victim has refused to undergo medical examination. The petitioner is in custody since last two and half months. Considering the aforesaid, this Court is inclined to enlarge the petitioner on bail.

The petitioner, namely, **Abhijit Dey**, 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 Court under the POCSO Act, Balurghat, Dakshin Dinajpur subject to condition that the petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimate witnesses and/or tamper with evidence in any manner whatsoever.

The petitioner is directed not to enter the jurisdiction of Patiram Police Station where the victim is residing excepting for the purpose of attending the trial court on the date fixed.

In the event the petitioner fails 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.

Accordingly, ***CRM (M) 15 of 2025*** is disposed of.

(Bivas Pattanayak, J.)