

14.05.2025
Item No.05.
Daily List
Court No.39
Mithun
(Rejected)

CRM (M) 123 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 Surakasha Sanhita, 2023 in connection with Sessions Special Case (POCSO) No.212 of 2024 arising out of Jetia Police Station Case No.150 of 2024 dated 19th September, 2024 under Section 6 of the Protection of Children from Sexual Offences Act, 2012 thereby rejecting the petitioner's prayer for bail.

-And-

In the matter of : XXXXX

... Petitioner

Mr. Shibaji Kumar Das,
Mr. Kaushal Kumar,
Ms. Debolina De

...for the petitioner

Ms. Rituparna Ghosh

...for the *de facto* complainant

Ms. Amita Gour, Sr. Govt. Adv.,
Ms. Suruchi Saha

... ...For the State

Learned Advocate for the petitioner submits that there are no such ingredients to attract Section 6 of the POCSO Act. At best the offence as revealed from the prosecution case relates to offence under Section 8 of the POCSO Act. The only allegation is of touch, nothing more nothing less. The petitioner is in custody for 230 days. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State opposes such prayer and submits that the victim has categorically stated of the overt act of the petitioner in her statement before the Magistrate which has also been stated by her before the attending Doctor. She seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant also opposes such prayer for bail and submits that this petitioner is a habitual offender and there are sufficient materials. She seeks for dismissal of the bail application.

Perused the case diary and materials on record.

The victim at the time of incident was 8 years old. The victim clearly implicates the petitioner in the alleged offence which is also stated by her before the attending Doctor. Considering the aforesaid materials and gravity of the offence, I am not inclined to grant bail.

Accordingly, the prayer for bail of the petitioner is rejected.

The application for bail being **CRM(M) 123 of 2025** stands dismissed.

(Bivas Pattanayak, J.)