

23.04.2025
Sl No.10
Ct. No.39
ss
(Allowed)

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

CRM (M) 99 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with Singur Police
Station Case No.468 of 2024 dated 02.10.2024 under Sections
137(2)/140(3) of BNS and charge-sheet No.470/2024 dated
12.12.2024 under Section 137(2)/140(3)/64(2)(m) of BNS and
under Section 6(1) of POCSO Amendment Act, 2019 and under
Section 9 of the Prohibition of Child Marriage Act.

And

In Re : Sujan Malik

.....Petitioner

Mr. Md. Mokaram Hossain
Mr. Mizanur Rahaman
Mr. Md. Naimul Islam

.....for the Petitioner

Ms. Faria Hossain, Ld. APP
Ms. Mausumi Sarkar

.....for the State

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

Service report filed by the State is taken on record.

Despite service none appears on behalf of the *de facto*
complainant.

Learned Advocate for the petitioner submits that the
victim left with the petitioner out of her own accord and there
are no such incriminating materials against the petitioner. The
mother of the victim refused to attend the Court for her
examination. Medical examination of the victim has also been
refused. The petitioner is in custody for more than 6 months.
He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail learned Advocate for the State submits that the petitioner has eloped with a minor girl of tender age. She seeks for dismissal of the bail application.

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 any sexual exploitation against the petitioner. Further, the medical examination of the victim has been refused. The petitioner is in custody for about six months. Considering the above, I am inclined to enlarge the petitioner on bail.

Accordingly, the petitioner, namely, **Sujan Malik**, 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 Additional Sessions Judge, POCSO Court, Chandernagore subject to the conditions that the petitioner shall not enter the jurisdiction of Singur Police Station except for the purpose of attending the Court proceedings. The petitioner shall appear before the learned 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 the conditions as enshrined hereinbefore, it is open to the trial

court to cancel the bail in accordance with law without further reference to this Court.

Accordingly, the application for bail being ***CRM (M) 99 of 2025*** is disposed of.

(Bivas Pattanayak, J.)