

14.05.2025
Item No.04.
Daily List
Court No.39
Mithun
(Rejected)

CRM (R) 16 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 Suraksha Sanhita, 2023 in connection with Garhbeta Police Station Case No.483 of 2022 dated 08.08.2022 and POCSO No.94/2022 order dated 28.01.2022 under Section 363, 366A, 34 of the Indian Penal Code and under Section 17 of Protection of Children from Sexual Offences (POCSO) Act, 2012 pending before the learned Judge, Special Court (POCSO), Additional District & Session Judge, 2nd Court, Paschim Medinipur.

-And-

In the matter of : Hafijul Bhangi

... Petitioner

Mr. Angsuman Chakraborty,
Mr. Tarak Nath Sarkar,
Mr. S.S. Saha

...for the petitioner

Mr. Arindam Jana,
Mr. Yuvraj Chatterjee

...for the *de facto* complainant

Mr. Saibal Bapuli, Ld.APP,
Mr. Asif Dewan

... ...For the State

Learned Advocate for the petitioner submits that previously he was favoured with an order of anticipatory bail and he surrendered in Court. There are no such direct allegation against the petitioner save and except of abetment. The bail of the petitioner was cancelled by the Trial Court vide order No.30 dated 26th September, 2024 on an application filed by the prosecution for cancellation of bail. The petitioner is in custody for more than five months. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State opposes such prayer and submits that there is gross misuse of the bail granted to the petitioner inasmuch as the petitioner on being released on bail have threatened and assaulted the victim for withdrawal of the case. He also informs the Court that a specific case has been started against the petitioner and others being Garhbeta Police Station Case No.592/22 dated 4th October, 2022 under Sections 447/323/324/325/506 and 34 of the Indian Penal Code. The aforesaid fact has been considered by the learned Trial Court while cancelling the bail. The victim is of tender age of 13 years. He seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant also submits that upon considering the conduct of the petitioner of threatening and assaulting the victim for withdrawal of the case, the bail was cancelled. Issuance of warrant of arrest was challenged in CRR 4467 of 2024 and warrant of arrest was stayed for a limited period. However, the petitioner misled the Trial Court and got the warrant of arrest recalled by the Trial Court stating that warrant of arrest has been directed by the Hon'ble Court to be recalled. Such aspect has been considered by the revisional Court subsequently. He seeks for dismissal of the bail application.

Perused the case diary and materials on record.

By order dated 6th September, 2022, this petitioner along with other accused persons were granted anticipatory bail by the Trial Court. This petitioner and other accused persons surrendered before the Court and they were granted regular bail

vide order dated 12th September, 2022. The bail prayer of this petitioner was cancelled *vide* order No.30 dated 26th September, 2024 taking into consideration the grounds of threatening and assaulting the victim. It is found that in respect of the said incident specific case has also been initiated against the accused persons being Garhbeta Police Station Case No. No.592/22 dated 4th October, 2022 under Sections 447/323/324/325/506 and 34 of the Indian Penal Code. Considering the conduct of the petitioner as enumerated above, I am not inclined to grant bail.

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

The application for bail being **CRM(R) 16 of 2025** stands dismissed.

(Bivas Pattanayak, J.)