

13.05.2025
Item no.12(DL)
Court No.39
srm
(Rejected)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(M) 344 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 as well as under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with POCSO Case No.09 of 2024 arising out of Goghat Police Station Case No.181 of 2024 dated 15.04.2024 under Sections 376(AB)/376(2)(n)/376(2)(f) of the Indian Penal Code read with Section 6(1) of the Protection of Children from Sexual Offences Act, 2012, pending before learned Judge, Special Court, POCSO Act, at Arambagh;

And

In Re : XXXX

.... Petitioner

Mr. Santanu Talukder,
Mrs. Priyanka Dutta,
Mr. Indranil Roy Chowdhury,
Mrs. Itisha Mukherjee

...for the Petitioner.

Mr. Ashok Das

... for the State.

Mr. Sujoy Sarkar

...for the *de facto* complainant.

Learned Advocate for the petitioner submits that there are no incriminating materials against the petitioner. The *de facto* complainant did not raise any objection before the learned trial Court at the time of hearing of the bail application of the petitioner. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State opposes such prayer for bail and submits that the victim in her statement implicates the petitioner. He seeks for dismissal of the application.

Learned Advocate for the *de facto* complainant leaves the matter to the discretion of the Court.

Perused the case diary and the materials on record.

The victim at the time of incident was 12 years of age. In her statement before the Magistrate, the victim clearly implicates the petitioner of his involvement in the alleged offence of forcible sexual intercourse. The victim became pregnant due to such act of the petitioner. The DNA test report is also supportive of such fact. Considering such materials and gravity of the offence, I am not inclined to grant bail to the petitioner.

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

The application for bail being **CRM (M) 344 of 2025** stands dismissed.

(Bivas Pattanayak, J.)