

19.05.2025
Item No.7
Court No.39
ss
(Allowed)

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

C.R.M.(M) 329 of 2025

In re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 as amended (under section 439 Cr.P.C., 1973) in connection with Sessions Case (POCSO) S.C.(P) No.85 of 2024 arising out of Galsi Police Station Case No.681 of 2023 dated 11.11.2023 under Sections 363/365/370 of the Indian Penal code and under Section 6 of the POCSO Act, 2012 presently pending before the learned Additional Sessions Judge, 2nd Court cum Judge Special Court under POCSO Act, Purba Bardhaman

-And-

In re : Rahim Sk @ Khokan

... Petitioner

Mr. Arnab Chatterjee,
Mr. Mainak Gupta

...for the petitioner

Ms. Sonali Das,
Mr. Debanik Das

...for the State

Service report filed by the State is taken on record.

Learned Advocate for the petitioner submits that the victim after being recovered made three statements, two before the Investigating Officer and one before the Magistrate. However, in none of her statement, the victim alleges of forcible sexual assault. As per the statement of the victim she was taken away by some unknown persons to Rajasthan and was forced into marriage with the principal accused namely, Ramesh Kumar. None of the statements of the victim or other witnesses implicates the petitioner. The petitioner was also not put to Test

Identification Parade for his identification. Upon completion of investigation, charge-sheet has already been submitted. The petitioner is in custody for more than 90 days. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State, opposing such prayer for bail, submits that the victim was taken away by some unknown persons to Rajasthan where she was forced into marriage with the principal accused. She seeks for dismissal of the bail application.

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

Perused the case diary and the materials on record.

The victim in her statement has not made any implication as against this petitioner. There are no such statements of the witnesses making any allegation against this petitioner. No Test Identification Parade has been held in respect of the petitioner after his arrest. Upon completion of investigation, charge-sheet has already been submitted. The petitioner is in custody for more than 90 days. In view of the above, I am inclined to grant bail to the petitioner.

Accordingly, the petitioner, namely, **Rahim Sk @ Khokan** 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 Special Judge (under POCSO Act) cum ADJ, 2nd Court, Purba Bardhaman. The petitioner shall appear before the 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. The petitioner shall meet the Officer-in-Charge of Galsi Police Station once in a fortnight, until further orders. The petitioner shall not enter within the territorial jurisdiction of Galsi Police Station except for the purpose of attending court proceedings and for reporting to the Officer-in-Charge of the concerned Police Station, until further orders. The petitioner shall furnish the address where he shall presently reside before the learned trial court, the investigating officer and the Officer-in-Charge of the police station under whose jurisdiction he shall presently reside.

In the event the petitioner fails to comply with any of the conditions as stated above, the learned Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

Accordingly, the application for bail being **CRM (M) 329 of 2025** is disposed of.

(Bivas Pattanayak, J.)