

30.06.2025
Item No.07.
Daily List
Court No.42
Mithun
(Rejected)

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

CRM (M) 411 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 arising out of Gazole Police Station Case No.257 of 2025 dated 14.03.2025 punishable under Section 6 of the Protection of Children from Sexual Offences Act, 2012 pending before the Court of the learned Special Judge, Special Court, Additional District Judge, 2nd Court, Malda..

-And-

In the matter of : Joychand Barman

... Petitioner

Mr. Avik Ghatak,
Mr. Akash Ghosh

...for the petitioner

Mr. Saibal Bapuli, APP
Ms. Sreetama Das

... ...For the State

Learned Advocate for the petitioner submits that the grounds of arrest have not been intimated to the accused which is violation of Article 22(1) of the Constitution of India. He seeks for enlargement of the petitioner on bail on such score.

Learned Advocate for the State submits that there are specific allegations against the petitioner of commissioning rape upon the victim and, as such, he seeks for dismissal of the bail application.

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

Perused the case diary and materials on record.

Upon going through the statement of the victim recorded under Section 164 of the Cr.P.C., there are specific allegations against the petitioner of his involvement in the alleged offence. Considering the above, I am not inclined to grant bail to the petitioner.

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

So far as aspect of the intimating the grounds of arrest to the accused is concerned, the question whether in all cases the grounds of arrest are to be informed is under consideration before the Hon'ble Supreme Court in ***Mihir Rajesh Shah - versus- The State of Maharashtra & Anr [Special Leave to Appeal (Crl) No. 17132/2024]***, the decision of which is reserved by the Hon'ble Supreme Court. As such, this Court recuse from making any observation in this regard.

Accordingly, ***CRM(M) 411 of 2025*** stands dismissed.

(Bivas Pattanayak, J.)