

30.06.2025
Item No.10
Court No.42
ss
(Allowed)

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

C.R.M.(M) 518 of 2025

In re : An Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Khanakul Police Station Case No.822 of 2024 dated 24.12.2024 under Sections 137(2)/140(3) of the Bharatiya Nyaya Sanhita, 2023 and subsequently charge-sheeted under Sections 137(2)/140(3)/65(1) of Bharatiya Nyaya Sanhita, 2023 read with Section 6(1) of the Protection of Children from Sexual Offences Act, 2012 corresponding with POCSO Case No.03 of 2025 now pending before the Learned Additional District & Sessions Judge, 1st Court, Arambagh, Hooghly cum learned Judge, Special (POCSO) Court, Arambagh, Hooghly.

-And-

In the matter of : Sk. Sultan Ali

... Petitioner

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Mr. Souvik Dey

...for the petitioner

Mr. Arindam Sen
Mr. Dipankar Mahata

...for the State

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

Learned Advocate for the petitioner submits that the chronology of fact as stated by the victim in her statement under Section 164 Cr.P.C. is not at all believable. The petitioner is the friend of the father of the victim. On the request of the father of the victim, the petitioner took the victim to the nearby bus stop and she was left thereat. Thereafter she went missing. The victim

was recovered from the house of her friend namely, Saifullah, who is a co-accused. The victim during investigation has refused to undergo medical examination. Upon completion of investigation, charge-sheet has been submitted in this case. The petitioner is in custody for 178 days. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State, opposing such prayer for bail, submits that there are specific allegations against the petitioner of commissioning of rape upon the victim. He 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 under Section 164 Cr.P.C. alleges of commissioning of rape upon her. However, the victim has refused to undergo medical examination. Upon completion of investigation, charge-sheet has already been submitted. The petitioner is in custody for 178 days. Considering the above, I am inclined to grant bail to the petitioner.

Accordingly, the petitioner namely, **Sk. Sultan Ali**, 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 Judge Special (POCSO) Court, Arambagh, Hooghly. 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 Khanakul Police Station once in a fortnight, until further orders. The petitioner shall not enter within the territorial jurisdiction of Khanakul 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 their bail in accordance with law without further reference to this Court.

Accordingly, the application for bail being **CRM (M) 518 of 2025** is disposed of.

(Bivas Pattanayak, J.)