

11.07.2025
Item No.09.
Daily List
Court No.42
Mithun
(Allowed)

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

CRM (M) 656 of 2025

In Re: An application for bail under Section 439 of the Criminal Procedure Code, 1973 corresponding to Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Jhalda Police Station Case No.54 of 2024 dated 16.03.2024 under Sections 363/365 of the Indian Penal Code, and Section 6 of Protection of Children from Sexual Offences Act, 2012 pending before the Court of the learned Additional Sessions Judge, 2nd Court, Purulia cum Special Judge under POCSO Act in S.C. (Spl) Case No.34 of 2024.

-And-

In the matter of : XYZ

... Petitioner

Mr. Suman Chakraborty,
Mr. Sukhendu Bikash Mukherjee,
Ms. Ankana Sarkar

...for the petitioner

Mr. T. Bandyopadhyay

...for the *de facto* complainant

Mr. Bibaswan Bhattacharya,
Ms. Suruchi Saha

... ...For the State

Learned Advocate for the petitioner submits that as per the statement of the victim she left her house out of her own accord. There are no allegations of any forcible sexual assault. The petitioner is in custody for more than one year. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the minor victim was taken away by the

petitioner and wrongfully confined. There are also allegations of sexual assault. He seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant also opposes such prayer for bail.

Perused the case diary and the materials on record.

The statement of the victim shows that she left the house out of her own accord. There were love affair between the petitioner and the victim. The victim refused to undergo medical examination. The petitioner is in custody for more than one year. Charge-sheet has already been submitted after completion of investigation. Considering the above, I am inclined to enlarge the petitioner on bail on stringent conditions.

The petitioner 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 Additional Sessions Judge, 2nd Court, Purulia cum Special Judge under POCSO Act subject to condition that the petitioner shall report to the Inspector-in-Charge of the concerned Police Station once in a fortnight. The petitioner shall not enter the jurisdiction of Jhalda Police Station except for the purpose of attending court proceedings and reporting to the Inspector-in-Charge of the concerned Police Station. The petitioner shall furnish the address where he shall presently reside before the learned Trial Court, the investigating officer and the Inspector-in-Charge of the police station under whose jurisdiction he shall presently reside. The petitioner shall appear before the learned Trial Court on each and every date fixed and

shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fail to comply with the conditions as enshrined hereinbefore, it is open to the trial Court to cancel the bail without further reference to this Court.

It is made clear that the observation made hereinabove is only for the sake of disposal of this application.

Accordingly, **CRM (M) 656 of 2025** is disposed of.

(Bivas Pattanayak, J.)