

03.07.2025
Item No.03.
Daily List
Court No.42
Mithun
(Allowed)

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

CRM (R) 44 of 2025

In re : An Application for Bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, in connection with Kalna
Police Station Case No. 1500 of 2024 dated 17.12.2024 under
Section 8 of the Protection of Children from Sexual Offences
Act, 2012 (corresponding to Sessions Case (Special) 51 of 2024),
presently pending before the Judge, Special Court under
POCSO Act, Kalna, Purba Bardhaman.

-And-

In the matter of : Rakesh Khetrapal @ Rakesh Kshetrapal

... .. Petitioner (in Jail)

Mr. Suman Chakraborty

... .. For the Petitioner

Mr. Mrityunjoy Chatterjee,
Mr. S. Chakraborty

...for opposite party no.2.

Mr. Ashok Das

... ..For the State

Service report filed by the State is taken on record.

Learned Advocate appearing for the petitioner submits that
the victim in her deposition has not implicated the petitioner. In
her cross-examination she has stated before the Court that as
per the instruction of the Moral she has made statement before
the Judge. The petitioner is in custody for 200 days. The victim
has refused to undergo medical examination. He seeks for
enlargement of the petitioner on bail.

Learned Advocate for the State opposing such prayer submits that there are sufficient materials against the petitioner. He seeks for dismissal of the bail 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.

Although the victim in her statement has implicated the petitioner for inappropriately touching her, however, during her examination in Court she has not made any implication against the petitioner. The petitioner is in custody for 200 days. The victim has also refused to undergo medical examination. Considering the above, I am inclined to enlarge the petitioner on bail on stringent conditions .

The petitioner, namely, **Rakesh Khetrapal @ Rakesh Kshetrapal** 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 Court under POCSO Act, Kalna, Purba Bardhaman 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 Kalna 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 (R) 44 of 2025** is disposed of.

(Bivas Pattanayak, J.)