

CRM (M) 594 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of the Bhartiya Nagarik Suraksha Sanhita 2023 in connection with Dholahat Police Station Case No.46 of 2023 dated 30-01-2023 under Sections 363/365/366A/370/370A(1)/372/373/376/120B of the Indian Penal Code read with Section 6(1) of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Sk. Jahiruddin

.... Petitioner.

Mr. Soumya Nag,
Ms. Namrata Chatterjee.

... For the Petitioner.

Ms. Sukanya Bhattacharyya,
Mr. Debanshu Ghorai.

... For the State.

Ms. Nandini Chatterjee.

...For the Defecto Complainant.

1. It is said on behalf of the petitioner that the present accused petitioner is completely innocent and has been falsely arraigned with the crime. It is said that the other two FIR named accused persons have already been granted bail by this Court. The examination of the victim girl has already been completed which reveals that she did not name or attribute any specific role to the present accused petitioner with the alleged offence. Moreover, this accused petitioner is in custody for a considerable period of time and there is no immediate chance of conclusion of the trial. So, no purpose will be served by detaining the accused petitioner further for

the sake of custodial interrogation. So, it is prayed that the bail prayer filed by the accused petitioner may be allowed.

2. Learned advocate for the State raises objection by submitting that there are sufficient incriminating materials in the case diary which shows about prima facie involvement of the accused petitioner in the alleged offence. Moreover, after framing of charge by the learned trial Court witness action has begun and the victim girl has already been examined. From the deposition of the victim girl, it would appear that this accused petitioner was very much involved in the alleged crime and if at this stage, this accused petitioner is granted bail, then there is every possibility of hampering in the progress of the trial.

3. Learned advocate representing the defecto complainant raises objection to the prayer of the petitioner for bail. It is said that there are sufficient materials gathered by the prosecution which reveals prima facie involvement of the accused petitioner in the alleged offence.

4. I have considered the rival submissions advanced by the parties. I have also perused the materials as placed before this Court at the time of hearing.

5. The instant case was started on the basis of a complaint lodged by the defecto complainant and on the strength of the complaint, the investigation was started by the concerned police station and accordingly, charge-sheet was submitted under Section 6(1) of the Protection of Children from Sexual Offences Act, 2012.

6. It is a fact that the accused petitioner is in custody for a considerable period of time and after framing of charge, only one witness was examined by the side of the prosecution. From the copy of the order sheet filed on behalf of the

accused petitioner it appears that after examination of the victim, several dates were fixed, but no witness had turned up. However, considering the nature and gravity of the crime along with the incriminating material collected by the investigating agency, the involvement of this accused petitioner in the alleged offence cannot be ruled out at this stage.

6. Considering the seriousness of the offence and the involvement of the present accused petitioner in the alleged offence, I am not inclined to enlarge the accused petitioner on bail.

7. The application for bail is, thus, **rejected**.

8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Prasenjit Biswas, J.)