

05.06.2025
Item No.13
Court No.6
rrc/ss
(Allowed)

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

C.R.M.(M) 598 of 2025

In re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Nabadwip Police Station Case No.789 of 2024 dated 24.11.2024 under sections 127(2)/64 of Bharatiya Nyaya Sanhita, 2023 read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

-And-

In the matter of : Sujit Ghosh @ Roni

... Petitioner

Mr. Angshuman Chakraborty
Mr. Amanul Islam
Mr. Sourav Mukherjee

...for the petitioner

Ms. Sonali Das
Mr. Dipankar Paramanick

... for the State

Learned Advocate for the State files service report upon the *de facto* complainant, which is taken on record.

Learned Advocate for the petitioner and the learned Advocate for the opposite party-State are present.

Heard learned Advocates for the parties.

Perused the case diary and the materials on record.

Learned Advocate for the petitioner submits that the allegation made against his client is not maintainable and the medical report does not suggest any sexual assault upon the victim and the medical examination was refused. Learned Advocate for the petitioner further submits that the petitioner is

18 years old and is in custody for about 7 months and as the investigation is complete, the prayer for bail made by the petitioner be considered.

Learned Advocate for the opposite party-State objects such grant of bail and submits that the trial is going to start from 9th June, 2025.

Upon hearing the learned Advocates for the parties and considering the materials in the case diary and the statement made under Section 164 Cr.P.C. and the statement made under Section 161 Cr.P.C., there appears some contradictions.

It further appears from the medical report that the *de facto* complainant has refused the medical examination and so far as the statement recorded by the medical officer does not suggest any sexual assault upon the victim. Though at this stage it would not be proper to further observation with regard to the merits of the case, but considering the age of the petitioner, who is 18 years old, his period of detention which is 7 months and the fact that charge-sheet has been submitted and 12 witnesses are to be examined which will take some time, this Court is of the view that for the interest of justice, the petitioner should be granted bail.

Thus, I allow the prayer for bail made by the petitioner.

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 Judge, Special Court under POCSO Act, Krishnagar, Nadia. The petitioner upon release shall meet with the Officer-in-

Charge of concerned Police Station once in a week and shall not enter into the locality where the *de facto* complainant resides without leave of the learned trial Court and 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 not meet the *de facto* complainant or the persons acquainted with the facts of the case.

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 his bail in accordance with law without further reference to this Court.

Accordingly, the application for bail is disposed of.

(Biswaroop Chowdhury, J.)