

07.07.2025
Item no.5
Court No.42
ss
(Dismissed)

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

C.R.M.(M) 615 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973/ under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sagar P. S. Case No. 18 of 2025 dated 13.02.2025 under Section 76/351(3) of the Bharatiya Nyaya Sanhita Act, 2023 along with Section 10 of the POCSO Act and subsequently charge sheeted being Sagar P.S. Charge sheet No.45 of 2025 dated 11.04.2025 under Sections 76/351(3) of the Bharatiya Nyaya Sanhita Act, 2023 read with Sections 10 of POCSO Act pending before the learned Additional Sessions Judge, 1st Court, Special Court under POCSO Act, Kakdwip, South 24-Parganas.

In Re : Amritendu Pradhan

.... Petitioner

Mr. Joy Chakraborty

Mr. Sandip Didna

...for the Petitioner.

Ms. Sonali Das

Mr. Debanshu Ghorai

...for the State.

Service report filed on behalf of the State is taken on record.

Learned Advocate for the petitioner submits that charges have been framed under Section 10 of POCSO Act for aggravated sexual assault. However, there are no such notable injuries noted in the medical examination report of the victim. There are also no allegations of any repeated sexual assault and as such, no case of aggravated sexual assault is made out by the prosecution. The petitioner is in custody for last 4 months and 23 days. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the statement of the victim would show that

she was touched inappropriately by this petitioner repeatedly, who happens to be a distant maternal uncle and therefore, as per Section 9 of the POCSO Act, the petitioner has committed aggravated sexual assault. The vulnerable witnesses including the victim are yet to be examined. He seeks for dismissal of the bail application.

Despite service none appears on behalf of the *de facto* complainant.

Perused the case diary and materials on record.

The petitioner is a distant maternal uncle. In her statement the victim stated of inappropriate touch by this petitioner on repeated occasions. Thus, in the backdrop definition of Section 7 read with Section 9 of the POCSO Act the allegation of aggravated sexual offence is made out by the prosecution. Absence of injury in the facts and circumstances of this case may not improbabilise the case of the prosecution. Considering the above materials and bearing in mind nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

Accordingly, the bail prayer of the petitioner is rejected at this stage.

The learned trial court is directed to expedite the trial to the fullest and conclude the trial at an early date without granting any unnecessary adjournment to either of the parties.

The application for bail being **CRM (M) 615 of 2025** stands dismissed.

(Bivas Pattanayak, J.)