

04.07.2025
Item no.12(DL)
Court No.42
srm
(Rejected)

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

C.R.M.(M) 726 of 2025

In re : An Application for Bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 arising out of Special Case
No.12 of 2025 in connection with Beniapukur Police Station
Case No.10 of 2025 dated 17.01.2025, under sections 137(2) of
the Bharatiya Nyaya Sanhita, 2023 amended to sections
137(2)/65(1) of the Bharatiya Nyaya Sanhita, 2023 read with
Section 4 of the Protection of Children against Sexual Offences
Act, 2012, pending before the learned Additional Sessions
Judge, First Court-I, Sealdah, South 24-Parganas;
-And-

In Re : Md. Firoz Alam @ Md. Firoj Alam @ Sk Firoz Alam
.... Petitioner

Ms. Farnaz Nasim
...for the Petitioner

Mr. Koushik Kundu,
Ms. Kanchan Ray
...for the State

Service report filed by the State is taken on record.

Learned Advocate for the petitioner submits that the
victim 'D' and 'E' left their house for the reason of some
disturbances thereat. They came to the house of the petitioner
along with the maid of the petitioner. They were asked by the
petitioner to leave, but since it was night they could not return.
On the morning the victims left. The statement of the victim and
the medical report does not make out a case of penetrative
sexual assault under Section 4 of the POCSO Act. The petitioner
is 56 years old having two children and is in custody for 176
days. She seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the victim has implicated this petitioner of his involvement in the alleged offence. He further indicates that there has been threat from the side of the petitioner upon the victim to withdraw the case which has been diarized. He seeks for dismissal of the application.

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

Perused the case diary and the materials on record.

The victim is aged 13 years. The victim clearly implicates the petitioner of his involvement in the alleged offence of rubbing his penis in private parts of the victim. Now whether ingredients of Section 3 of the POCSO Act for penetrative sexual assault is attracted or not are matters which requires to be tested and examined in trial. Considering the above materials and nature and the gravity of the offence, I am not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

The application for bail being **CRM (M) 726 of 2025** stands dismissed.

(Bivas Pattanayak, J.)