

10.07.2025
Item No.13(DL)
Court No.42
srm
(Allowed)

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

C.R.M.(M) 759 of 2025

In re : An Application for Bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Hili Police Station Case No.133 of 2024 dated 29.08.2024 under Sections 137(2)/140(3)/126(2)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Section 6(1) of the Protection of Children from Sexual Offences Act, 2012 and read with Section 9 of the Prohibition of Child Marriage Act, 2006 corresponding to Special (POCSO) Case No.87 of 2024 pending before the learned Additional District and Sessions Judge, 2nd Court, Balurghat, Dakshin Dinajpur.

-And-

In the matter of : XXXX

... Petitioner

Ms. Busra Khatun,
Md. Kashif Alam

...for the Petitioner.

Ms. Sonali Das,
Mr. Subhajit Chowdhury

... ...for the State.

Affidavit-of-service filed on behalf of the petitioner is taken on record.

Learned Advocate for the petitioner submits that the victim and the petitioner had previous love affairs and no such incriminating materials against the petitioner, who is in custody for 302 days and upon completion of investigation charge sheet has already been submitted in this case. The victim has also refused to undergo medical examination. She seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the victim was taken away by the petitioner to different places and there are evidence of sexual intercourse with the minor victim by the petitioner. He informs the Court that 6 out of 18 witnesses have already been 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 the materials on record.

It reveals from the statement of the victim that she left her house out of her own accord and went to different places along with the petitioner. There are no such allegations of any forcible sexual assault by the petitioner upon the victim. The petitioner is in custody for 302 days. Considering the above, I am inclined to grant bail to the petitioner.

Accordingly, 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 Special Judge (under POCSO Act)-cum-ADJ, 2nd Court, Balurghat, Dakshin Dinajpur. The petitioner 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 meet the Officer-in-Charge of Hili Police Station once in a fortnight, until further orders. The petitioner shall not enter within the territorial

jurisdiction of Hili Police Station except for the purpose of attending court proceedings and for reporting to the Officer-in-Charge of the concerned Police Station, until further orders. The petitioner shall furnish the address where he shall presently reside before the learned trial court, the investigating officer and the Officer-in-Charge of the police station under whose jurisdiction he shall presently reside.

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.

It is made clear that the observation made hereinabove is only for the sake of disposal of this application.

Accordingly, the application for bail being **CRM (M) 759 of 2025** is disposed of.

(Bivas Pattanayak, J.)