

07.07.2025
Item no.20(ML)
Court No.42
srm
(Rejected)

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

C.R.M.(M) 772 of 2025

In Re: An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 arising out of Bamangola Police Station Case No.224 of 2024 dated 23.09.2024 under Section 351(2) of the Bharatiya Nyaya Sanhita and under Sections 4, 14 and 15 of the Protection of Children from Sexual Offences Act alternatively 65(1) of Bharatiya Nyaya Sanhita, pending before the learned Judge, Special Court, ADJ, 2nd Court, Malda. (Corresponding to POCSO Case No.183/2024);

In Re : Sajal Molla @ Akash
.... Petitioner

Mr. Ayan Bhattacharjee, Sr. Adv.
Mr. Sagar Saha,
Ms. Nayana Mukhopadhyay
...for the Petitioner.

Mr. Saibal Bapuli,
Mr. Sachit Talukdar
...for the State.

Mr. Syed Nazmul Hossain,
Mr. Syed Raihanul Hossain
...for the *de facto* complainant.

Service report filed by the State is taken on record.

Learned Senior Advocate appearing for the petitioner submits that the victim and the petitioner had love affairs which has been admitted by the victim in her cross-examination. The complaint has been lodged by the maternal uncle of the victim after 43 days of such occurrence. There are no such incriminating materials against the petitioner. The petitioner is in custody for 9 months. The vulnerable witnesses have already been examined. There are no such notable injuries of the victim

in the medical report in support of allegation of sexual violence. He seeks for enlargement of the petitioner on bail. To buttress his contention, he relies on the decisions of this Court in ***Bapi Dinda @ Billa*** (In Re: ***CRM 5509 of 2021***) and ***Bappa Biswas*** (In Re: ***CRM 6035 of 2021***).

Opposing such prayer for bail, learned Advocate for the State submits that the victim in her examination in court clearly implicates the petitioner of causing rape upon her and of capturing her obscene photographs in his mobile phone and of forwarding it to the maternal grandfather of the victim. During the course of investigation the photographs of the victim were seized from the maternal uncle of the victim. He seeks for dismissal of the application.

Learned Advocate for the *de facto* complainant also opposes such prayer for bail and submits that there are sufficient incriminating materials against the petitioner of his involvement in the alleged offence.

Perused the case diary and the materials on record.

Upon going through the evidence of the victim, it is found that there are specific allegations against the petitioner of causing rape upon the victim and also of taking obscene pictures in his mobile phone. The photographs and the mobile phone have been seized by the police during investigation. The absence of injury in the victim may not improbabilise the prosecution case. So far as the decisions in *Bapi Dinda @ Billa* (*supra*) and *Bappa Biswas* (*supra*) are concerned the facts are distinguishable from the case in hand. Considering the aforesaid

materials and the 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) 772 of 2025** stands dismissed.

(Bivas Pattanayak, J.)