

23.07.2025
Item no.6
Court No.42
ab

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(M) 893 of 2025

In Re:- An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Malda Police Station Case No.11 of 2025 dated 04.01.2025 under Sections 137(2)/140(3)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Section 6 of the Protection of Children from Sexual Offences Act, 2012 presently pending before the learned Judge, Special Court (POCSO Act), Additional District and Sessions Judge, 2nd Court, Malda.

And

In Re : Ejak Sk. @ Ijaj Sekh

.... Petitioner

Mr. Pulakesh Bajpayee
Ms. Tannistha Bandyopadhyay

..... for the petitioner

Mr. Bibaswan Bhattacharya
Ms. Puja Goswami

... for the State

Mr. Soham Banerjee

... for the *de facto* complainant

Status report filed by the State is taken on record.

Learned advocate for the petitioner submits that there are no such incriminating materials against the petitioner of any forcible act. There is no such injury sustained by the victim. The petitioner is in custody for about 150 days. Upon completion of investigation, charge sheet has already been submitted in the present case. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned advocate for the State submits that the victim has implicated the petitioner of his involvement in the alleged offence. He seeks for dismissal of the bail application.

Learned advocate for the *de facto* complainant also opposes such prayer for bail and submits that the victim has

been threatened and taken away by the petitioner and only after the G.D. been lodged on 12th February, 2025, the petitioner was arrested on 24th February, 2025. He seeks for dismissal of the bail application.

Perused the case diary and materials on record.

The victim in her statement clearly implicates the petitioner of forcible sexual assault upon her. Absence of injury may not improbabilize the case of the prosecution. Considering the materials as indicated above and bearing in mind the nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail is rejected.

The application for bail being **CRM (M) 893 of 2025** stands dismissed.

(Bivas Pattanayak, J.)