

16.07.2025
Item No.07.
Daily List
Court No.42
Mithun
(Rejected)

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

CRM (R) 80 of 2025

In re : An Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Halisahar Police Station Case No.160 of 2025 dated 05.05.2025 under Section 8/12 of the POCSO Act, now numbered as POCSO Case No.104 of 2025 pending before the learned Special Judge (POCSO) Act, Barrackpore, North 24-Parganas.

-And-

In the matter of : XYZ

... ... Petitioner (in Jail)

Mr. Debasis Kar

... ... For the Petitioner

Mr. Saibal Bapuli, Ld. APP,
Ms. Eshita Dutta

... ...For the State

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

Learned Advocate for the petitioner submits that after completion of investigation charge-sheet has already been submitted in this case under Sections 8/12 of the POCSO Act. The victim has refused to undergo medical examination. The petitioner is in custody for last 70 days. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that there are specific allegation against the petitioner. He seeks for dismissal of the bail application.

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

Perused the case and diary and materials on record.

It is found that victim is aged 10 years. The victim clearly implicates the petitioner of his involvement in the alleged offence. Refusal to undergo medical examination may not improbabilise the case of the prosecution. Considering the above materials and the nature and gravity of the offence, I am not inclined to enlarge the petitioner on bail.

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

However, the Trial Court is directed to expedite the trial as per provision of Section 35 of the POCSO Act.

Prosecution is directed to produce witnesses before the Trial Court on the schedule dates fixed for examination of witnesses.

Parties are directed to cooperate in the trial before the Trial Court.

The application being **CRM(R) 80 of 2025** stands dismissed.

(Bivas Pattanayak, J.)