

29.07.2025
Item no.7
Court No.42
ss
(Dismissed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 1009 of 2025

In re : An Application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Chakdah P.S. Case No.193 dated 27.02.2025, SPL No.12 of 2025 CNR No.WBND0C-000519-2025 vide order No.14 dated 23.05.2025 under Sections 62(2)/64(2)/(k) of the Bharatiya Nyaya Sanhita and Section 6 of the POCSO Act, now pending before the learned Additional Sessions Judge, Kalyani, Nadia,.

-And-

In the matter of : Shibu Mali

... Petitioner

Mr. Saryati Dutta
Ms. Dona Sanyal Nath
Mr. Chitrak Biswas

... .. For the Petitioner

Ms. Manisha Sharma,
Md. Kutubuddin

...For the State

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

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

Learned Advocate for the petitioner submits that since there is a family dispute between the parties, the petitioner has been falsely implicated in this case. There are no such injuries sustained by the victim. The allegations are precisely of attempt. The petitioner is in custody for 152 days and upon completion of investigation charge-sheet has been submitted in this case. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State, opposing such prayer for bail, submits that the victim is a deaf and dumb child of 11 years of age. The statement of the witnesses implicates this petitioner. The victim is yet to be examined. She seeks for dismissal of the bail application.

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

Perused the case diary and materials on record.

The victim is a dumb child of 11 years of age. The statement of the victim recorded under Section 164 Cr.P.C. implicates this petitioner. Such statement of the victim is supported by the statements of other witnesses. Considering the above materials and bearing in mind nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

Accordingly, the bail prayer of the petitioner is rejected.

The application for bail being **CRM (M) 1009 of 2025** stands dismissed.

(Bivas Pattanayak, J.)