

04.08.2025
Item no.8(ML)
Court No.42
srm
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(M) 1051 of 2025

In Re:- An application under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sashan Police Station Case No.108 of 2024 dated 15.05.2024 having Special No.106 of 2024 under Sections 363/365/376(3) of the Indian Penal Code, 1860 read with Sections 4/6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 9/10 of the Prohibition of Child Marriage Act, 2006 presently pending before the learned Additional District and Sessions Judge, cum Special Judge (POCSO) Act, at Barasat, North 24-Parganas.

And

In Re : Rejaul Sheik @ Rejaul Sk.

.... Petitioner

Mr. Tathagata Majumdar
Ms. Neha Chakraborty
Ms. Somashree Banerjee

..... for the Petitioner

Mr. Rana Mukherjee, Ld. APP
Mr. Soumya Basu Chowdhury

... for the State

Mr. Avhinav Rakshit

...for the *de facto* complainant.

Learned Advocate for the petitioner submits that the victim and the petitioner had previous love affairs. The petitioner is in custody for 375 days and upon completion of investigation charge sheet has already been submitted. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State conceding that the petitioner and the victim had previous love affairs, submits that the victim became pregnant due to such physical relationship by the petitioner and her pregnancy had to be terminated. 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 petitioner entered into physical relationship with the victim when she was a minor. He also seeks for dismissal of the bail application.

Perused the case diary and the materials on record.

The victim in her statement does not implicate this petitioner of any forcible sexual assault. There was previous love relationship between the petitioner and the victim. She left her house out of her own accord. The victim refused to undergo medical examination. The petitioner is in custody for 375 days and upon completion of investigation charge sheet has already been submitted. Considering the above, I am inclined to grant bail to the petitioner on stringent conditions.

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 Judge, Special Court under POCSO Act, Barasat, North 24-Parganas. The petitioner shall appear before the learned 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 victim, witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall meet the Officer-in-Charge of Sashan Police Station once in a fortnight, until further orders. The petitioner shall not enter the territorial jurisdiction of Sashan 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) 1051 of 2025** is disposed of.

(Bivas Pattanayak, J.)