

07.08.2025
Item No.4
Court No.42
ab

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

CRM (M) 1190 of 2025

In Re:- An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with POCSO Case No.39 of 2025 arising out of Lalgola Police Station Case No. 306 of 2025 dated 09.04.2025 under Sections 127(2)/64/351(2)/3(5) of the Bharatiya Nyaya Sanhita read with Section 4 of POCSO Act and subsequently charge sheet submitted under Section 351(2)/137(2)/140(3)/65(1) of the Bharatiya Nyaya Sanhita read with Section 6 of POCSO Act now pending before the Court of learned Judge, Special Court, Lalbagh, Murshidabad.

And

In Re : **XXXXXX**

.... **Petitioner**

Md. Bani Israil
Mr. Aranya Basu
Md. Fahim Sayud

..... for the petitioner

Mr. Saibal Bapuli, Ld. APP
Mr. Manoranjan Mahata

... for the State

Mr. Husen Mustafi,
Mr. Yousuf Ali

... for the *de facto* complainant

Service report filed by the State is taken on record.

Learned advocate for the petitioner submits that the victim and the petitioner had love affairs. The victim left her house out of her own accord. There is 70 days delay in lodging the FIR. The victim has refused to undergo medical examination. 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 in her statement categorically implicates the petitioner. Delay in lodging the FIR *per se* is not fatal to the prosecution case. He seeks for dismissal of the bail application.

Learned advocate for the *de facto* complainant also submits in the similar fashion. He seeks for dismissal of the bail application.

Perused the case diary and materials on record.

The victim in her statement clearly implicates this petitioner of kidnapping and committing rape upon her. Delay may be for many reasons, however, that itself may not improbabilise the case of the prosecution. In view of the *prima facie* incriminating materials and the implication of the victim as well as the nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

Accordingly, the bail prayer is rejected.

The application for bail being **CRM (M) 1190 of 2025** stands dismissed.

(Bivas Pattanayak, J.)