

07.08.2025
Item No.3
Court No.42
ab

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

CRM (M) 1171 of 2025

In re : An Application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sessions (Special) SC No.50 of 2024 arising out of Nadanghat Police Station Case No.787 of 2024 dated 07.12.2024 under Section 4 of the Protection of Children from Sexual Offences Act, 2012, now pending before the learned Additional Sessions Judge (in Charge), Kalna cum Judge, Special (POCSO Act), Kalna, Purba Bardhaman.

-And-

In the matter of : Azahar Sk.

... .. Petitioner

Mr. Dhananjay Banerjee
Mr. Pralay Hazra

... .. For the Petitioner

Ms. Shaila Afrin,
Mr. Monoranjan Mahata

... ..For the State

Mr. Pritam Priya Dasgupta

... for the *de facto* complainant

Learned advocate for the petitioner submits that the victim and the petitioner had previous love affairs. There are no such incriminating materials against the petitioner. Upon completion of investigation, charge sheet has already been submitted in the present case. Further upon attainment of majority of the victim, the marriage between the victim and the petitioner would be solemnized. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned advocate for the State submits that as per the statement of the victim, she was forcibly raped by this petitioner. The victim became pregnant due to such sexual assault. He seeks for dismissal of the bail application.

Learned advocate for the *de facto* complainant submits that though initially case was started under Section 4 of the POCSO Act, however, charge sheet has been submitted under Section 6 of the POCSO Act, which is aggravated penetrative sexual assault. There are allegations against the petitioner of forcibly committing rape upon the victim. The consent of a minor, if any, is not consent in the eye of law. He seeks for dismissal of the bail application.

Perused the case diary and materials on record.

Though the victim in her statement states that there was love relationship with the petitioner, however, she makes specific implication against the petitioner of forcibly committing rape upon her. The victim became pregnant due to such sexual assault. Considering the *prima facie* materials as indicated above 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) 1171 of 2025** stands dismissed.

(Bivas Pattanayak, J.)