

04.08.2025
Item no.11(ML)
Court No.42
srm
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(M) 1174 of 2025

In Re:- An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliganj Police Station Case No.17 of 2025 dated 04.01.2025 under Sections 137(2)/140(3)/61(2)/65(1) of the Bharatiya Nyaya Sanhita, 2023 and under Section 6 of the Protection of Children from Sexual Offences Act, 2012 corresponding to case No. POCSO 31 of 2025 now pending before the learned Judge Special Court, under POCSO Act, at Krishnagar, Nadia.

And

In Re : Sohal Sk @ Mallick @ Sohel Sk

.... Petitioner

Mr. Arnab Chatterjee

..... for the Petitioner

Mr. Iqbal Kabir,
Mr. Rajashree Tah

... for the State,

Mr. Priyankar Ganguly,
Ms. Shanini Bairagi

...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 previous love relationship and there are no incriminating materials against the petitioner, who is in custody for 153 days. Upon completion of investigation charge sheet has already been submitted. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State, opposing such prayer for bail, submits that the victim was taken away by the petitioner. He seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant also opposes such prayer for bail. He seeks for dismissal of the bail application.

Perused the case diary and the materials on record.

The victim in her statement states that she left her house out of her own accord along with the petitioner. There are no such allegations of any forcible sexual intercourse. The victim refused to undergo medical examination. The petitioner is in custody for 153 days and upon completion of investigation charge sheet has already been submitted. Considering the above, I am inclined to grant bail to the petitioner.

Accordingly, the petitioner, namely, **Sohal Sk @ Mallick @ Sohel Sk** 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, Krishnagar, Nadia. 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 Kaliganj Police Station once in a fortnight, until further orders.

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) 1174 of 2025** is disposed of.

(Bivas Pattanayak, J.)