

04.08.2025
Item no.12(ML)
Court No.42
srm
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(M) 1182 of 2025

In Re:- An application under Section 439 of the Code of Criminal Procedure (equivalent under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023) in connection with Chanchal Police Station Case No.422 of 2024 dated 02.05.2024 under Sections 363/365/376D of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 presently pending before the learned Judge, Special Court, Chanchal, Malda.

And

In Re : Samiul Khan & Anr.

.... Petitioners

Mr. Kallol Mondal, Sr. Adv.
Mr. Krishan Ray,
Mr. Souvik Das,
Mr. Anamitra Banerjee,
Mr. Akbor Laskar,
Ms. Shibani Agarwal

..... for the Petitioners

Mr. Rana Mukherjee,
Mr. Sachit Talukdar

... for the State

Petitioner no.2 renews his prayer for bail.

Service report filed by the State is taken on record.

Learned Advocate for the petitioners submit that though the victim during investigation in her statement has made allegation against the petitioner No.1 of committing rape upon her. However, in her deposition in Court she does not implicate the petitioners. The petitioners are in custody for 329 days and upon completion of investigation charge sheet has already been submitted and trial has also commenced. He seeks for enlargement of the petitioners on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the victim in her statement implicates the petitioners. He seeks for dismissal of the bail application.

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

Perused the case diary and the materials on record.

Though the victim alleges of kidnapping by the petitioners and forcible sexual assault by the petitioner No.1, however, in her deposition in Court, she does not implicate the petitioners. The petitioners are in custody for 329 days. The trial is in progress. Considering the above, I am inclined to grant bail to the petitioners.

Accordingly, the petitioner No.1, namely, **Samiul Khan** and the petitioner No.2, namely, **Rabiul Khan** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand) each, with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Judge, Special Court under, Chanchal, Malda. The petitioners 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 petitioners shall meet the Officer-in-Charge of Chanchal Police Station once in a fortnight, until further orders. The petitioners shall not enter the territorial jurisdiction of Chanchal 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 petitioners shall furnish the address where they shall presently reside before the learned trial court, the investigating officer and the Officer-in-Charge of the police station under whose jurisdiction they shall presently reside.

In the event the petitioners fail to comply with any of the conditions as stated above, the learned Trial Court shall be at liberty to cancel their 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) 1182 of 2025** is disposed of.

(Bivas Pattanayak, J.)