

05.08.2025
Item no.7
Court No.42
ss
(Dismissed)

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

CRM (M) 1206 of 2025

In Re:- An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023/Section 439 of the Code of Criminal Procedure, 1973 in SPL. POCSO Case No.72 of 2025 in connection to Charge Sheet No.116/25 dated 08.05.2025 arising out of Narayanpur Police Station Case No.66 dated 25.03.2025 under Section 4, 8 and 12 of POCSO Act currently pending before the Court of learned 1st Additional District Judge at Barrackpore.

And

In Re : Alan Anthony Odath

.... Petitioner

Mr. Santanu Chatterjee
Ms. Divya Chatterjee
Mr. Chandan Tiwari
Mr. Rajendra Kumar Nandi
Mr. Subhajit Sharma
Mr. Srijan Chakraborty

..... for the petitioner

Mr. Sanjay Bardhan
Mr. Ratul Ghosh

... for the State

Mr. Apan Saha

... for the *de facto* complainant

Service report filed by the State is taken on record.

Learned Advocate for the petitioner submits that the petitioner and the victim had love affairs. The petitioner has been falsely implicated in this case. On alleged date of occurrence the petitioner was not present in the place of occurrence and he was proceeding to Lucknow to attend his school. The petitioner joined his school on 13th October, 2024. There is delay in lodgement of F.I.R.. 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 clearly implicates this petitioner. The medical report is supportive of such fact. The tower location collected during the course of investigation would show that the petitioner was present at the place of occurrence. He seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant also submits that the minor victim implicates this petitioner of his involvement in the alleged offence.

Perused the case diary and materials on record.

The victim in her statement clearly implicates this petitioner of forcible penetrative sexual assault. The document of travelling as annexed to the application namely train ticket (annexure P2) and Google Map of Ola (annexure P3) does not show the name of the petitioner. Further the attendance register (annexure P4) apart from being illegible is also not certified by the college authority. As such, those documents do not improbabilise that the petitioner was not present in the place of occurrence. Be that as it may, such defence *alibi* may be examined and assessed in trial in the backdrop of evidences. Considering the *prima facie* incriminating materials, the implication of the victim and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

Accordingly, the bail prayer of the petitioner is rejected.

The application for bail being **CRM (M) 1206 of 2025** stands dismissed.

(Bivas Pattanayak, J.)