

21.08.2025
Item no.3
Court No.42
ss
(Dismissed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 1247 of 2025

In re : An Application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with POCSO Case No.28 of 2025 arising out of Thanarpara Police Station Case No.105 of 2025 dated 14.04.2025, under Sections 64 of the Bharatiya Nyay Sanhita, 2023 and Section 6 of the Protection of Children from Sexual Offences Act, 2012, and Sections 66E/67A of the Information Technology Act, now pending before the learned Additional Sessions Judge cum Special Court of POCSO Act, Tehatta, Nadia.

-And-

In the matter of : Prolay Mondal

... .. Petitioner

Mr. Soumyajit Das Mahapatra
Mr. Md. Golam Nure Imrohi

... For the Petitioner

Mr. Soumik Ganguly
Mr. Shashanka Shekhar Saha

...For the State

Mr. Asraf Mondal
Ms. Sanjana Saha

... for the *de facto* complainant

1. Learned Advocate for the petitioner submits that the victim and the petitioner had previous love affairs. The victim went to the house of the petitioner out of her own accord. There are no such incriminating materials against the petitioner. The allegation of making obscene video viral is against accused Apurba Mondal, who has been granted bail by the learned trial court. The petitioner is in custody for 113 days. Upon completion of investigation charge sheet has already been submitted. He seeks for enlargement of the petitioner on bail.

2. Learned Advocate for the State, opposing such prayer for bail, submits that the victim was ravished by the petitioner in his house. The obscene videos were taken forcibly and thereafter

those obscene videos have been circulated. Two mobile phones one belonging to the victim and another of the petitioner were seized during course of investigation and were sent to the Cyber Forensic Digital Evidence Examination Laboratory for expert's report. He seeks for dismissal of the bail application.

3. Learned Advocate for the *de facto* complainant also opposes such prayer for bail and submits that the petitioner circulated the obscene videos of the victim. He seeks for dismissal of the bail application.

4. Perused the case diary and the materials on record.

5. The statement of the victim reveals that she had previous relationship with the petitioner and on being called by the petitioner she went to the uncle's house of the petitioner. Be that as it may, in the subsequent part of the statement she has categorically implicated the petitioner for establishing forcible physical relationship which was also videographed. There are allegations of circulating of such videos. During course of investigation two mobile phones were seized as per seizure list and the same were sent to the Cyber Forensic Digital Evidence Examination Laboratory for expert's report. The report is awaiting. Considering the above incriminating materials and bearing in mind nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, the bail prayer of the petitioner is rejected.

7. The application for bail being **CRM (M) 1247 of 2025** stands dismissed.

(Bivas Pattanayak, J.)