

26.08.2025
Item no.4
Court No.42
ss
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 1382 of 2025

In Re:- An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with C. Special Case No.16 of 2025 arising out of Bharatpur Police Station Case No.71 of 2025 dated 15.03.2025 under Section 137(2)/140/65(1)/127(4)/304(2) of the Bharatiya Nyaya Sanhita and Section 6 of POCSO Act pending before the learned Judge, Special Court under POCSO Act, Kandi, Murshidabad.

And

In Re : Josim Mollick @ Rentu Mallik

.... Petitioner

Mr. Kallol Kumar Basu
Md. Jannat Ul Firdous

..... for the petitioner

Mr. Soumik Ganguly
Ms. Kanchan Roy

... for the State

Ms. Minoti Gomes
Md. Hafiz Ali

... for the *de facto* complainant

Ms. Ankita Dey

... for the victim

1. Service report filed by the State is taken on record.
2. Learned Advocate for the petitioner submits that the victim and the petitioner had love affairs. The victim left her house out of her own accord. There are no such incriminating materials against the petitioner, who is in custody for 109 days and upon completion of investigation charge sheet has been submitted. He seeks for enlargement of the petitioner on bail.
3. Learned Advocate for the State, opposing such prayer for bail, submits that there are sufficient allegations against the petitioner. She seeks for dismissal of the bail application.
4. Learned Advocate for the *de facto* complainant submits that there are continuous threats from the side of the petitioner.

The victim was taken away by the petitioner when she was a minor and was ravished. She seeks for dismissal of the bail application.

5. Learned Advocate for the victim girl submits that the victim is willing to marry the petitioner.

6. At this stage, learned Advocate for the *de facto* complainant submits that the victim being a minor cannot give consent.

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

8. It is found from the statement of the victim that she had previous love affairs with the petitioner and she left her house out of her own accord. Though the victim alleges of physical relationship, however, there are no such visible external injuries in the medical examination report. The petitioner is in custody for 109 days and upon completion of investigation, charge-sheet has already been submitted. Considering the above, I am inclined to grant bail to the petitioner on stringent conditions.

9. Accordingly, the petitioner, namely, **Josim Mollick @ Rentu Mallik** 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, Kandi, Murshidabad. The petitioner shall appear before the 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 witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall meet

the Inspector-in-Charge of Bharatpur Police Station once in a fortnight, until further orders. The petitioner shall not enter the jurisdiction of Bharatpur Police Station except for the purpose of attending court proceedings and reporting to the Inspector-in-Charge of concerned police station. The petitioner shall furnish the address where he shall presently reside before the learned trial court, the investigating officer and the Inspector-in-Charge of the concerned police station under whose jurisdiction he shall presently reside.

10. 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.

11. It is made clear that the observation made hereinabove is only for the sake of disposal of this application.

12. Accordingly, the application for bail being **CRM (M) 1382 of 2025** is disposed of.

(Bivas Pattanayak, J.)