

D/L88
12.03.2025
Rohit
ct.no.26

C.R.M. (DB) 2521 of 2024

In Re: An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973 corresponding to Section 483(3) of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Pukhuria Police Station Case No. 06 of 2024 dated 05.01.2024 under section 4 of the POCSO Act.

And

In Re: **The State of West Bengal**

...Petitioner

Mr. Rudradipta Nandy, Ld. A.P.P
Ms. Faria Hossain
Ms. Purnima Ghosh

...for the State/petitioner

1. Service report submitted in Court be taken on record.
2. None appears for the private opposite party.
3. Application for cancellation of bail is at the behest of the State.
4. Learned Additional Public Prosecutor submits that, the private opposite party is involved in at least six others criminal cases out of which, two involves rape. He refers to the order dated May 21, 2024 granting bail to the private opposite party and submits that, the learned Judge did not take into account the materials in the case diary and proceeded to grant bail. He submits that, the medical examination report of the victim shows that sexual violence cannot be ruled out. He points out that, subsequent to the private opposite party

being enlarged on bail, he is not attending the Trial Court on all dates and therefore, preventing the framing of charges.

5. It appears from the report submitted in Court that, the private opposite party did not appear before the jurisdictional court on June 5, 2024, November 6, 2024 and February 19, 2025 out of six dates fixed. He was therefore absent on three dates out of the six dates fixed before the learned Trial Judge.
6. There are six criminal cases as against the private opposite party apart from the present police case. Two of those criminal cases involve rape.
7. Medical examination report of the victim does not rule out sexual violence.
8. In such circumstances, we cancel the bail granted in favour of the private opposite party. Private opposite party will surrender within seven days from date. In default, appropriate steps be taken before the jurisdictional court to secure his attendance.
9. **C.R.M. (DB) 2521 of 2024** is disposed of accordingly.

(Debangsu Basak, J.)

(Smita Das De, J.)