

02.09.2025
Item No. 5
Court No.42
ab

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

CRM (M) 1412 of 2025

In Re:- An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Special Case No.44 of 2025 arising out of Chanchal Police Station Case No.574 of 2025 dated 13.05.2025 subsequently being Charge Sheet No.886 of 2025 dated 04.07.2025 under Section 4 of the Protection of Children from Sexual Offences Act, 2012 pending before the learned Judge, Special Court under POCSO Act, Chanchal, Malda.

-And-

In the matter of : Sakerul Hossain @ Sakerul Husen @ Moon Ali

... .. **Petitioner**

Mr. Soupal Chatterjee,
Mr. Anupam Das,
Ms. Mekhala Kar

... .. For the Petitioner

Mr. Partha Pratim Das,
Mr. Akash Ganguly

... ..For the State

Mr. Abhinava Rakshit

... for the *de facto* complainant

1. Learned advocate for the petitioner submits that the victim and the petitioner had love relationship. There are no such incriminating materials of any forcible sexual assault. The petitioner is in custody for about 110 days and upon completion of investigation, charge sheet has already been submitted in the present case. He seeks for enlargement of the petitioner on bail.
2. Opposing such prayer for bail, learned advocate for the State submits that the victim implicates this petitioner of his

involvement in the alleged offence, which is supported by medical examination report. He seeks for dismissal of the bail application.

3. Learned advocate for the *de facto* complainant also submits in the similar fashion and seeks for dismissal of the bail application.
4. Perused the case diary and materials on record.
5. The victim in her statement before the Magistrate implicates this petitioner of causing rape upon her and also making nail marks which is supported by medical examination report. Considering the *prima facie* incriminating materials, the implication of the victim as well as the nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.
6. Accordingly, the bail prayer is rejected.
7. The application for bail being **CRM (M) 1412 of 2025** stands dismissed.

(Bivas Pattanayak, J.)