

02.09.2025
Item no.11
Court No.42
ss
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 1468 of 2025

In Re:- An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Session Case No.138 of 2025 arising out of Chandipur Police Station Case No.124 of 2025 dated 02.04.2025 under Sections 137(2)/65(1)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Section 4 of POCSO Act currently pending before the Court of learned Judge, Exclusive (POCSO) Court, Tamluk, Purba Medinipur.

And

In Re : **Sujit Pandey** Petitioner

Mr. Sabir Ahmed
Mr. Shraman Sarkar
Mr. Tasnim Ahamed
Mr. Dhiman Banerjee
Mr. Quazi Ezaz Ahmed

..... for the petitioner

Mr. Sanjoy Bardhan
Ms. Rita Datta

... for the State

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 previous love affairs. The allegation as made in the F.I.R. that at about 1 A.M. in the night the victim was forced to move out of her house by this petitioner is improbable. Rather it presupposes that she left her house out of her own accord. The medical examination report made on the alleged subsequent date of incident does not record of any notable injury. The petitioner is in custody for four months 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 the victim in her statement before the Magistrate as well as before the Investigating Agency clearly implicates this petitioner. The consent of a minor is not a valid consent. The vaginal swab, rectal swab and buccal swab of the victim and the wearing apparels of the victim have been sent for examination by FSL. He seeks for dismissal of the bail application.

4. Despite service none appears on behalf of the *de facto* complainant.

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

6. The victim in her statement states that she went out of her house in the night hours on being called by the petitioner, which shows that the victim had previous acquaintance with the petitioner. Though there are allegations of forcible rape, however, the medical examination report does not record of any sign of injury. The petitioner is in custody for four months and upon completion of investigation, charge-sheet has been submitted in this case. Considering the above, I am inclined to grant bail to the petitioner on stringent conditions.

7. Accordingly, the petitioner, namely, **Sujit Pandey**, 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, Exclusive POCSO Court, Tamruk, Purba Medinipur. 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 Chandipur Police Station once in a fortnight, until further orders. The petitioner shall not enter the jurisdiction of Chandipur 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.

8. 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.

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

10. Accordingly, the application for bail being **CRM (M) 1468 of 2025** is disposed of.

(Bivas Pattanayak, J.)