

11.09.2025
Item no.2
Court No.42
SS
(Allowed)

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

C.R.M.(M) 1477 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Itahar Police Station Case No.90 of 2025 dated 11.02.2025 under Section 4 of the POCSO Act, now pending before the learned Judge, Special Court (POCSO), Raiganj, Uttar Dinajpur.

And

In Re : **Rahul Hoque @ Rahul Haque @ Ruhul (Haque) Amin
@ Ruhul Amin**

.... Petitioner

Mr. Anindya Ghosh
Mr. Pronojit Roy

..... for the petitioner

Mr. Debabrata Chatterjee
Mr. Mainak Gupta

... for the State

Mr. Kushal Paul

... for the *de facto* complainant

1. Learned Advocate for the petitioner submits that the victim and the petitioner had love relationship, which will be evident from the statement made by the victim before the attending doctor. The victim has improved her statement before the Magistrate. However, she has shown her intention to marry the petitioner, which presupposes her voluntariness. The petitioner is in custody for 211 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. 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

implicates this petitioner of forcible sexual assault. He seeks for dismissal of the bail application.

3. Learned advocate for the *de facto* complainant submits in the similar fashion as of learned Advocate for the State. He also prays for dismissal of the bail application.
4. Perused the case diary and the materials on record.
5. At the first instance before the attending doctor during her medical examination on 11th February, 2025 the victim admits of her relationship with the petitioner and did not state of any forcible sexual assault by the petitioner. Although the victim in her statement before the Magistrate implicates this petitioner subsequently, however, she admits of her relationship with the petitioner and also states that she intends to marry the petitioner. Thus there is a primary divergence in the facts as revealing from the above statements. The petitioner is in custody for 211 days 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.
6. Accordingly, the petitioner namely, **Rahul Hoque @ Rahul Haque @ Ruhul (Haque) Amin @ Ruhul Amin**, 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, Raiganj, Uttar Dinajpur subject to the following conditions.
 - (i) 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;

(ii) The petitioner shall meet the Inspector-in-Charge of Itahar Police Station once in a fortnight, until further orders.

(iii) The petitioner shall not enter the jurisdiction of Itahaly Police Station except for the purpose of attending court proceedings and reporting to the Inspector-in-Charge of concerned police station.

(iv) 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.

7. 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.
8. It is made clear that the observation made hereinabove is only for the sake of disposal of this application.
9. Accordingly, the application for bail being **CRM (M) 1477 of 2025** is disposed of.

(Bivas Pattanayak, J.)