

08.12.2025

Court No.35.

M/L. 129.

Kausik

(Rejected)

CRM (M) 1681 of 2025

In Re: An Application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023/ Section 439 of the Code of Criminal Procedure, 1973 in connection with Bhabanipur Police Station Case No. 387/2024 dated 27.12.2024 under Section 137(2)/140(3)/3/5 and added Section 6(1) of POCSO Act, 2012 and section 9 of the Prohibition of Child Marriage Act.

And

In the matter of : Sk. Joynal Abedin

.....Petitioner.

Mr. Amitabha Karmakar

.....for the Petitioner.

Mr. Partha Pratim Das

Ms. Ayana Dey

.....for the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 5 months and there was a relationship between the petitioner and the minor/victim and it is only at the behest of the relations of the victim the present case has been engineered. Consequent to which, the petitioner is in custody. Charge sheet has already been submitted and there is no possibility of the trial concluding in near future, as such the petitioner may be released on bail.

Learned advocate for the State has produced the case diary, drawn the attention of the Court to the statement of the victim under section 164 of the Cr.P.C. as well as the injury report. Having considered the age of the victim, I am not

inclined to release the petitioner on bail prior to her evidence being recorded, in adherence to Section 35 of the POCSO Act.

Thus, CRM (M) 1681 of 2025 is dismissed.

Learned Special Court is directed to expedite the process. To that effect, charges be framed and the evidence of the victim be completed by the 3rd week of February, 2026.

Petitioner would be at liberty to approach this Court after the evidence of the victim is over.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)