

26.09.2025
Item no.2(DL)
Court No.42
srm
(Interim Bail)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 1759 of 2025

In Re:- An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Malda Police Station Case No.447 of 2025 dated 28.06.2025 under Section 6 of POCSO Act currently pending before the Court of learned Judge, Special Court, ADJ 2nd Court, Malda.

And

In the matter of : XXXX

... .. Petitioner

Mr. Sagar Sana,
Ms. Nayana Mukhopadhyay

... for the Petitioner.

Mr. Sushomay Bhattacharya

...for the State.

Mr. Sandeep Prasad Shaw,
Mr. Aman Kumar Singh

... for the *de facto* complainant

1. In compliance to the earlier dated 25th September, 2025, the Investigating Officer of this case is present in Court.
2. Learned Advocate for the petitioner submits that there are no such materials on record to connect the petitioner with the offence alleged. The statement of the victim is exonerative in nature. The victim, as per the prosecution case, became pregnant. However, there is no such DNA profiling report to establish the paternity of the child. The petitioner is in custody for 90 days and upon completion of investigation charge sheet has been submitted. He prays for enlargement of the petitioner on bail.
3. Learned Advocate for the State concedes that till date no blood sample has been sent to Forensic Laboratory for DNA profiling. However, in the FIR, there are allegations

against this petitioner. The victim became pregnant due to sexual assault. He prays for dismissal of the bail application.

4. The investigating officer, through the learned advocate for the State, informs that he did not receive any information either from the hospital or from the *de facto* complainant of such child birth.
5. Learned Advocate for the *de facto* complainant also concedes that the case has been initiated against the petitioner on suspicion. He leaves the matter to discretion of the Court.
6. Perused the case diary and materials on record.
7. The victim in her statement has not implicated this petitioner. As per the prosecution case, the victim became pregnant. There is no such DNA profiling report. The petitioner is in custody for 90 days and upon completion of investigation charge sheet has already been submitted. As per the charge sheet, it is found that the Investigating Officer has stated that he will submit supplementary charge sheet after completing the procedure of DNA profiling test. In view of the above, I am inclined to grant bail to the petitioner in interim form.
8. Accordingly, the petitioner be released on interim 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 Chief Judicial Magistrate, Malda subject to the following stringent 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 Malda Police Station once in a fortnight, until further orders.
 - (iii) The petitioner shall not enter the jurisdiction of Malda 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.
9. 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.
10. Interim bail is valid till **17th November, 2025**.
11. List this matter on **10th November, 2025**.
12. The investigating officer of this case is directed to remain present along with a report with regard to the steps taken

by him for obtaining the DNA profiling test from the Forensic Laboratory on the returnable date.

13. The appearance of the investigating officer is dispensed with for the time being.

(Bivas Pattanayak, J.)