

26.09.2025
Item no.3(DL)
Court No.42
srm
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 1784 of 2025

In Re: An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Baishnabnagar Police Station Case No.1280 of 2024 dated 17.11.2024 under Sections 137(2)/140(3)/3(5) of the Bharatiya Nyaya Sanhita 2023 and under Section 6 of the Protection of Children from Sexual Offences Act, 2012 subsequently charge sheet has been submitted under Sections 137(2)/140(3)/96/70(2)/3(5) of the Bharatiya Nyaya Sanhita 2023 and under Section 6 of the Protection of Children from Sexual Offences Act, 2012 corresponding to POCSO case No.220 of 2024 now pending before the learned Judge Special, ADJ-II. Court, Malda.

-And-

In the matter of : Rana Mia & Ors.

.... Petitioners

Mr. Arnab Chatterjee,
Mr. Chandan Mondal

...for the Petitioners.

Ms. Z. N. Khan,
Ms. Trina Mitra

...for the State

Mr. Avik Ghosh

... for the *de facto* complainant

1. Learned Advocate for the petitioners submit that the victim and the petitioner No.1 had love relationship. At the first instance, the victim did not state of any sexual assault. However, subsequently she has alleged of sexual assault which raises a doubt in the prosecution case. The family members of the victim and the petitioner No.1 are willing to solemnize their marriage after attainment of majority by the victim. As regards the petitioner Nos.2 and

3, there are no such allegations of any sexual assault. The petitioners are in custody for more than 50 days. Upon completion of investigation charge sheet has been submitted. He seeks for enlargement of the petitioners on bail.

2. Opposing such prayer for bail, learned Advocate for the State submits that in the statement before the Magistrate as well as subsequent statement under Section 161 of Cr.P.C. there are allegations against the petitioner No.1 of causing rape upon the victim and of wrongful confinement. She seeks for dismissal of the bail application.
3. Learned advocate representing the *de facto* complainant also concedes that there was love relationship between the petitioner No.1 and the victim. He leaves the matter to the discretion of the Court.
4. Perused the case diary and the materials on record.
5. The victim at the first instance did not implicate the petitioners before the investigating agency. In a subsequent statement before the Magistrate, she alleges of wrongful confinement and of commission of rape upon her by the petitioner No.1. Thus discrepancies is found from her statement with regard to the alleged occurrence. Further the victim has refused to undergo medical examination. There are no such specific allegations as against petitioner nos. 2 & 3. The petitioners are in custody for more than 50 days and upon completion of investigation charge sheet has already been submitted.

Considering the above, I am inclined to grant bail to the petitioners.

6. Accordingly, the petitioners, namely, (1) **Rana Mia**, (2) **Amir Sk.** and (3) **Karim Sk.** be released on bail upon furnishing a bond of Rs.10,000/- each (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 petitioners 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 petitioners shall meet the Inspector-in-Charge of Baishnabnagar Police Station once in a fortnight, until further orders.
- (iii) The petitioners shall not enter the jurisdiction of Baishnabnagar Police Station except for the purpose of attending court proceedings and reporting to the Inspector-in-Charge of concerned police station.
- (iv) The petitioners shall furnish the address where they shall presently reside before the learned trial court, the investigating officer and the Inspector-in-Charge of the concerned police station under whose jurisdiction they shall presently reside.

7. In the event the petitioners fail to comply with any of the conditions as stated above, the learned Trial Court shall be at liberty to cancel their 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) 1784 of 2025** is disposed of.

(Bivas Pattanayak, J.)