

26.11.2025

Court No.35.

D/L. 189.

Kausik

(Rejected)

CRM (M) 2152 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 Saktipur Police
Station Case No. 14 of 2025 dated 19.01.2025 under Sections
137(2)/140(3)/3(5) of the BNS, 2023 and Section 6 of the POCSO
Act;

And

In the matter of : Manaj Chowdhury @ Manoj Chowdhury

.....Petitioner.

Mr. Somnath Adhikary

.....for the Petitioner.

Ms. Anasuya Sinha, APP

Mr. Atif Ahmed Siddiqui

.....for the State.

Affidavit of service filed be kept with the record.

Learned advocate appearing for the petitioner submits
that the petitioner is in custody for 290 days and in spite of the
charge sheet having been submitted there has been no progress
of the case. Learned advocate emphasizes on the statement of
the victim under Section 164 of Cr.P.C.

State has produced the statements of the victim under
section 164 of the Code of Criminal Procedure. Statement
reflects that the petitioner had a relationship for 5 years with
the victim. However, petitioner compelled and forced the victim
to go to Mumbai where she was kept for 18 days in a house. In
the statement before the Doctor the victim girl stated that she
had willingly eloped with the present petitioner. The emphasis

is made on the statement before the Doctor. the medical report reflects that the victim is 15 years old.

Having considered the contents of the medical report and the fact that consent of a minor is no consent in the eye of law, I am not inclined to release the petitioner on bail.

Petitioner would approach this Court after the examination of the victim under Section 35 of the POCSO is concluded.

Accordingly, CRM (M) 2152 of 2025 is dismissed.

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.)