

23.
Court
No.29

20.02.2025

(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 123 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 arising out of English Bazar P.S. Case No.83/2024 dated 15.01.2024.

And

In the matter of: - X X X X X X

Mr. Kazi M. Rahaman

...petitioner.

Mr. Binoy Kr. Panda

...for the petitioner.

Ms. Sreetama Das

...for the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioner submits that there was a love affair between the petitioner and the victim girl, who is aged about 17 years. The petitioner is in custody for more than a year. The victim girl has already been recovered. Charge-sheet has been submitted upon completion of investigation. However, as there was an amorous relationship between the petitioner and the victim girl, there is no need for further custodial detention of the present petitioner. He prays for bail.
2. Learned State Counsel opposes the prayer for bail. He draws our attention to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, 1973.

According to him, there are sufficient incriminating materials against the present petitioner.

3. We have considered the materials on record and the case diary. We have also considered the statement of the victim girl recorded under Section 164 of the Criminal Procedure Code, 1973. The victim girl did not admit any amorous relationship between herself and the petitioner. Furthermore, the age of the victim girl was admittedly 17 years. The consent of the victim girl, even if any, is immaterial. As such, in view of the materials on record including the medical report of the victim girl, we are not inclined to allow the petitioner's prayer for bail, at this stage. Hence, the prayer for bail is rejected.
4. The application being CRM (DB) 123 of 2025 is accordingly dismissed.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)