

11.02.2025
Court No.01
rpan / 13

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

CRM (DB) 53 of 2025

In Re: Amir Hossain

- Petitioner

Mr. Subhasish Misra,
Mr. Ssatyajit Paul
... for the Petitioner.

Mr. Ujjwal Luksom,
Ms. Namrata Das
... for the State.

The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been preferred in connection with Sitai Police Station Case No.198 of 2024 dated 04.10.2024 under Sections 137(2)/140(3) of the Bharatiya Nyaya Sanhita read with Section 6 of POCSO Act.

It is said by the petitioner that he is in custody since 5th October, 2024 and in the meantime, investigation process has already been completed by the prosecuting agency. It is submitted by the learned advocate that there is no necessity of further detention of this accused petitioner behind the bar for sake of custodial interrogation and as such, he may be released on bail on the ground of his long detention behind the bar.

Learned advocate appearing for the State raises objection by submitting that there are sufficient incriminating materials in the case diary which show about prima facie involvement of the accused petitioner with the alleged offence. The date is fixed by the trial court for framing of charge and if at this stage bail is granted to this accused petitioner then there is every possibility

of hampering of the trial. Thus, he prays the accused petitioner may not be enlarged on bail.

We have considered the rival submissions advanced by the parties and perused the materials on record.

It appears that investigation process has already been completed by submitting chargesheet by the prosecuting agency indicating prima facie involvement of this petitioner with the alleged offence. The allegation against this accused petitioner is serious in nature and at the time of offence the victim was minor. If at this stage the accused petitioner is enlarged on bail, the trial of the case may be jeopardized. So considering the materials placed before us, we are not inclined to enlarge the accused petitioner on bail.

In view thereof, the application for bail, being CRM (DB) 53 of 2025 is rejected.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Prasenjit Biswas, J.)

(Tapabrata Chakraborty, J.)