

12.02.2025
Court No.01
rpan / 23

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

CRM (DB) 64 of 2025
In Re: Dipankar @ Deepak @ Dipak
- Petitioner

Mr. Jaydeep Kanta Bhowmik,
Ms. Sayantani Das,
Mr. Hasanur Rahaman
... for the Petitioner.

Mr. Kallol Acharjee,
Ms. Sukanya Adhikary
... for the State.

Mr. Druti Roy
... for the *de facto*/victim girl.

Affidavit-of-service, as filed, be kept on record.

The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been preferred in connection with Maynaguri Police Station Case No.452 of 2024 dated 06.10.2024 under Section 351(2) of the Bharatiya Nyaya Sanhita read with Sections 9/10 of the Child Marriage Act, adding Sections 06/17 of the POCSO Act, 2012.

It is said by the learned advocate on behalf of the petitioner that there was love affairs between the accused petitioner and the victim girl. The said victim girl voluntarily left with the accused petitioner and subsequently, they married to each other in the presence of the family members of the accused petitioner. It is further said by the learned advocate that this accused petitioner is in custody for a considerable period of time and he has been falsely entangled with the offence alleged. No

purpose will be served by detaining the accused petitioner behind the bar further. So this accused petitioner may be enlarged on bail.

Learned advocate appearing on behalf of the State raises objection by submitting that sufficient incriminating materials are collected by the prosecuting agency which show *prima facie* involvement of the petitioner in the alleged offence. The charge of this case has not yet been framed by the trial court and if at this stage the accused petitioner is enlarged on bail then there is every possibility of hampering the progress of the trial. So, the petition filed by the accused petitioner may be rejected.

The learned advocate appearing on behalf of the victim girl supports the contentions made by the learned advocate for the State and submits that the allegation, as made against the accused petitioner, is true and as such, his bail prayer may not be considered at this stage.

We have considered the rival submissions advanced by the parties and consulted the materials gathered in the case diary.

It appears that after completion of investigation chargesheet has already been submitted and next date is fixed by the trial court for supplying of the copy to the accused persons. We have also gone through the statement of the victim recorded under Section 183 of the Bharatiya Nagarik Suraksha

Sanhita, 2023 which, *prima facie*, supports the contention made in the written complaint.

Keeping in mind the seriousness of the offence involved in this case and the materials gathered in the case diary, we are not inclined to enlarge the accused petitioner on bail.

In view thereof, the application for bail, being CRM (DB) 64 of 2025 is rejected at this stage.

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.)