

09.06.2025  
Item no. 57.  
Court No.2.  
Kausik

**Calcutta High Court  
In the Circuit Bench at Jalpaiguri**

**CRM (M) 97 of 2025**

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/ Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Naxalbari Police Station Case No. 73 of 2024 dated 23.04.2024 under Sections 341/376D/506 of the Indian Penal Code with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

**In the matter of : Dinesh Malpaharia**

**.....Petitioner.**

Mr. Debasish Mukherjee  
Ms. Srishti Sarkar

.....for the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP  
Mr. Sagnik Shankar Sikdar

....for the State.

Affidavit of service so filed be kept with the record.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for more than 13 months and till date the evidence of the victim has not been recorded, although the charge sheet has been submitted and charge has been framed in connection with the instant case.

Learned advocate for the State opposes the prayer for bail and draws the attention of the Court to the statement of the victim under section 164 of the Cr.P.C. as well as the medical documents including other statements.

I have considered the statement of the victim wherein she has alleged that she has been sexually ravished by five persons. However, the medical report do not corroborate the same. Obviously, there are other witnesses but having considered the accusations so divulged by the victim along with the attending materials and the period of detention of the present petitioner, I am of the view that further detention of the petitioner is unwarranted.

Accordingly, the prayer for bail of the petitioner is allowed.

Petitioner shall furnish bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Special Court. Petitioner shall meet with the Officer-in-Charge of Naxalbari Police Station or any police personnel delegated by him once in a week for a period of two months. Petitioner shall also be physically available on each and every date fixed by the learned trial court and would cooperate with the progress of the trial of the case. In case the learned trial court finds that there has been violations of the condition the learned

trial court would be at liberty to cancel the bail of the petitioner without further reference to this Court.

Accordingly, CRM (M) 97 of 2025 is allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**(Tirthankar Ghosh, J.)**