

11.06.2025
Item no. 14.
Court No.2.
Rakib

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

CRM (M) 101 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Maynaguri Police Station Case No. 78 of 2025 Dated 07.02.2025 under Sections 6 and 18 of the Protection of Children from Sexual Offences Act.

And

In the matter of : Mantosh Mandal.

.....Petitioner.

Mr. Debajit Kundu.

.....for the Petitioner.

Mr. Abhijit Sarkar,
Mr. Biswaroop Roy.

.....for the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 122 days and the investigation has already been completed. It has further been submitted that there is an existing family dispute which is the genesis of the present case for detaining the petitioner, as such the petitioner may be released on bail on any stringent conditions.

Learned advocate appearing for the State has produced the Case Diary and also drawn the attention of the Court to the statement of the victim under Section 164 of the Code of Criminal Procedure as also the other materials so collected. On

a perusal and appreciation of the materials in the Case Diary at this stage, I am not inclined to grant bail prior to the evidence of the victim being recorded by the learned trial Court.

Accordingly, CRM (M) 101 of 2025 is dismissed.

Learned trial Court is directed to strictly adhere to Section 35 of the POCSO Act and ensure that the evidence of the victim is completed by 8th of August, 2025.

Petitioner would be at liberty to approach this Court after the evidence of the victim is over.

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

(Tirthankar Ghosh, J.)