

18.11.2025

Item No.DL65
Court No. 4

REJECTED

Asraf, A.R.(Ct.)

Calcutta High Court

In the Circuit Bench at Jalpaiguri

Criminal Miscellaneous Jurisdiction

Appellate Side

Case No. **CRM (M) 193 of 2025**

In re : An Application for Bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 corresponding to
Section 439 of the Code of Criminal Procedure, 1973
filed in connection with Naxalbari PS case no.66 of
2025 dated 21.04.2025 under Sections 126(2), 70(2),
351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023
and Section 6 of the Protection of Children from Sexual
Offences Act, 2012.

-and-

In the matter of :

PANKAJ MAHATO & ORS.

... .. Petitioners

For the Petitioner :

Mr. Hillol Saha Podder

Ms. Mousumi Das

... Advocates

For the State :

Mr. Aditi Shankar Chakraborty

Mr. Sagnik Sankar Sikdar

... Advocates

For the De facto Complainant :

Mr. Hasanur Rahaman

... Advocate

1. The bail prayer of the petitioners is taken up for consideration.
2. It is submitted by the learned advocate appearing on behalf of the petitioners that he has been falsely implicated in this case. He refers to the medical examination report of the victim. He prays for bail.
3. Learned advocate appearing for the State refers to the statement of the victim recorded under Section 183 of the

Bharatiya Nagarik Suraksha Sanhita, 2023 as well as injury report and submits that the allegations against the petitioners are serious in nature. Investigation of this case has ended in a chargesheet. Charges have been framed before the learned Trial Court and the trial is to commence.

4. Learned advocate appearing on behalf of the de facto complainant / victim opposes the prayer for bail.
5. From the materials on record, it transpired that the petitioners are alleged to have committed rape upon the victim child.
6. I have gone through the materials in the case diary as well as the statement of the victim recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The victim has stated the presence of the petitioners at the place of occurrence. There are allegations of sexual assault upon the victim by the petitioners.
7. Under such circumstances, I am not inclined to enlarge the petitioners on bail.
8. Hence, the prayer for bail stands **rejected**.
9. Accordingly, CRM(M) 193 of 2025 is disposed of.
10. Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Md. Shabbar Rashidi, J.)