

19.11.2025

Item No.DL74
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) 255 of 2025**

In re : An Application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Kalimpong Women's PS case no.15 of 2024 dated 26.08.2024 under Sections 10 and 12 of the Protection of Children from Sexual Offences Act, 2012.

-and-

In the matter of :

MD IRFAN @ AZIRUDDIN

... .. Petitioner

For the Petitioner :

Mr. Arnab Saha
Mr. Md. Shoaib Akhtar

... Advocates

For the State :

Mr. Abhijit Sarkar
Mr. Sagnik Sankar Sikdar

... Advocates

1. The bail prayer of the petitioner is taken up for consideration.
2. Learned advocate for the State submits a report regarding service upon the victim.
3. No one appears on behalf of the victim / de facto complainant.
4. It is submitted by the learned advocate appearing on behalf of the petitioner that the petitioner has been falsely implicated in this case. It is submitted that the charges

under Sections 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 were framed against the petitioner and the trial has already commenced. The petitioner has been in custody for over one year three months. The victim has already deposed at the trial. Since the victim has already been examined, there is no justification in keeping the petitioner behind the bars.

5. Learned advocate for the State relies upon some materials available in the case diary including the statements of the victim and her sister recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. It is submitted by the State that the victim is a child and she was nine years old when the alleged incident happened. It is further submitted by the learned counsel for the State that the offences are heinous and grave, the petitioner does not deserve to be enlarged on bail.
6. It appears that the petitioner has been charged with the offence punishable under Sections 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 and two out of 14 witnesses have been examined at the trial including the victim girl. The case is fixed on 4th December, 2025 for recording evidence of remaining witnesses.
7. Considering the facts and circumstances of the case and in view of the nature of allegations as well as materials transpiring from the statement of the victim recorded

under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, I am not inclined to enlarge the petitioner on bail.

8. Hence, the prayer for bail is **rejected**.
9. Accordingly, CRM(M) 255 of 2025 stands 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.)