

27.11.2025

Item No.DL29
Court No. 4

ALLOWED

Asraf, A.R.(Ct.)

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

Case No. **CRM (M) 318 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 Siliguri PS case no.130 of 2025 dated 01.03.2025 under Section 4 of the Protection of Children from Sexual Offences Act, 2012.

-and-

In the matter of :

MOLU PATEL alias MOLU KUMAR alias MOLU PATEL

... .. Petitioner

For the Petitioner :

Mr. Subham Ghosh
Mr. Mayank Roy

... Advocates

For the De facto complainant :

Mr. Gopal Roy

... Advocate

For the State :

Mr. Kallol Acharjee
Mr. Sagnik Sankar Sikdar
Mr. Kallol Nag

... Advocates

1. Bail prayer of the petitioner is taken up for consideration.
2. It is submitted by the learned advocate appearing on behalf of the petitioner that the petitioner has been in custody for 271 days. He is in detention for an allegation for penetrative sexual assault upon the victim. Learned advocate for the petitioner further submits that the petitioner had a relationship with the victim and that was

acknowledged by the victim in her statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. There is no question of any force or inducement applied by the petitioner for such relationship. He also submits that the petitioner is also of a tender age of about 23 years.

3. Learned advocate appearing for the de facto complainant raises no objection to the bail prayer of the petitioner.
4. Learned advocate for the State relies upon various materials in the case diary and opposes the prayer for bail. He refers to the statement of the victim recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 as well as the medical examination report of the victim.
5. In course of hearing learned advocate for the petitioner submits that the trial of the case before the learned Trial Court has already commenced. The victim stood examined. Having gone through the statement of the victim recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 as well as her deposition at the trial, it appears that the victim has acknowledged that she was in a relationship with the petitioner. She has referred the petitioner as her boyfriend in deposition. The victim has also acknowledged that she had physical relationship with the petitioner five to six times during their relationship. No

doubt the petitioner is also of a tender age of about 23 years.

6. Considering the aforesaid facts and circumstances as well as in consideration of the fact that the victim and the de facto complainant have stood examined in the trial, I am inclined to enlarge the petitioner on bail.
7. Hence, the application for bail is **allowed**.
8. Accordingly, I direct that the petitioner shall be released on bail upon furnishing a 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 Judge (POCSO Court), (1st Court, Siliguri, subject to condition that the petitioner shall remain present on each and every date fixed before the learned Trial Court and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.
9. In the event, the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the Trial Court to cancel the bail without further reference to this Court.
10. Accordingly, CRM (M) 318 of 2025 is disposed of.
11. Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Md. Shabbar Rashidi, J.)