

27.04.2026
Ct. 35/sl 119
tkm

CRM (M) 626 of 2026

In Re : An application for bail under Section 483 of the BNSS 2023 in connection with Habibpur PS case no. 161 of 2025 dated 14.04.2025 under sections 137(2)/140(3) BNS, 2023 and Section 6 of the POCSO Act.

And

In Re : Om Horijan @ Om Harijan

..... petitioner

Allowed

Mr. Sagar Saha
Ms. Nayana Mukhopadhyay
Mr. M Saha

..... for the petitioner

Ms. Sukanya Bhattacharjee,
Mr. Santanu Deb Roy

..... for the State

1. Learned advocate for the petitioner submits that the petitioner is in custody for 11 months and 15 days. The evidence of the victim has already been recorded. He further submits that since evidence of the victim prima faice indicates the relationship with the accused, the question of abducting her does not arise. The evidence of the victim has also reflects that she has earlier fled away.

2. Learned advocate for the State opposes the prayer for bail and produces case diary. Certified copy of the evidence and report submitted by the State are taken on record.

3. I have taken into account the evidence of the victim particularly the cross examination and I am of the opinion that further detention of the petitioner is unwarranted in the facts of the present case.

4. Accordingly, the petitioner namely Om Horijan @ Om Harijan be released on bail upon furnishing a bond of

Rs.20,000/- with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Judge, Special Court (POCSO) cum ADJ 2nd Court, Malda. If on bail, the petitioner shall be physically present on each and every date of hearing before the jurisdictional court and shall not leave the district of Malda without prior permission of the trial court.

5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

6. With the aforesaid observation, CRM (M) 626 of 2026 is allowed.

(Tirthankar Ghosh, J.)