06.10.2026
Item No.78
Ct.No.35
dc.
Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (M) 1779 of 2026

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Manikchak Police Station Case No. 790 of 2023 dated 28.09.2023 under Sections 363/366A/ 376(n)/328 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : **Rakhal Rajak**

... Petitioner.

Mr. Sourav Chatterjee, Sr. Adv.,
Ms. Namrata Chatterjee

... For the Petitioner.

Mr. Gouranga Kumar Das, APP,
Mr. Sourav Mondal

... For the State.

Mr. Saryati Datta

... For the Victim (H.C.L.S.A).

Report submitted by the learned advocate appearing for the State along with the acknowledgement of the private opposite party no.2/victim be kept with the record.

Memo of Evidence submitted on behalf of the State be also kept with the record.

Learned senior advocate appearing for the petitioner submits that the petitioner is in custody for 2 years 10 months and till date, out of 18 witnesses cited by the prosecution, four witnesses have been examined.

Mr. Datta, learned advocate appearing for the private opposite party no.2/victim opposes the prayer for bail and submits that the charges for which the petitioner is facing

the trial are for heinous offences. As such, prayer for bail of the petitioner should be rejected.

Learned advocate appearing for the State opposes the prayer for bail and produces the case diary.

I have taken into account the materials appearing in the case diary including the statement under Section 183 of the BNSS as well as the medico-legal examination report. Records reflect that evidence of the victim and her near relations is complete; some more time will be required to take the trial to its logical conclusion. Having considered the background of the facts of the case, I am of the opinion that further detention of the present petitioner in connection with the instant case is unwarranted. As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner viz., **Rakhal Rajak** shall be released on bail upon furnishing bond of Rs.20,000/-, with two sureties of Rs.10,000/- each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the POCSO Act, 2nd Court, Malda.

If on bail, the petitioner shall be physically present on each and every date before the learned Special Court and shall not leave the jurisdiction of the district of Malda without prior permission of the learned Special Court.

Additionally, the petitioner would meet with the Officer-in-Charge/Inspector-in-Charge of Manikchak Police Station once in a fortnight till the evidence of all the witnesses is complete.

The observations made above are only restricted for adjudication of the bail application and should not be considered a final opinion on the merits of the case.

The application for bail, being CRM (M) 1779 of 2026, is, thus, disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)