

05.02.2026
ML No. 151.
Court No.35.
AB

CRM (M) 2179 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kalna Police Station Case No.846 of 2025 Dated 21.08.2025 under Section 4 of the POCSO Act

And

In the matter of : Rik Sarkar

.....Petitioner.

Mr. Dhananjay Banerjee,
Mr. Partha Sarathi Mishrafor the Petitioner.

Mr. Anupam Das Adhikari
Ms. Sreetama Dasfor the State.

Mr. Samrat Chowdhury,
Ms. Anju Sahani,
Mr. Ronit Naskarfor the Defacto complainant.

1. Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 139 days and has been implicated although there was a relationship between the petitioner and the victim girl.
2. Learned Advocate for the defacto complainant does not oppose such contention advanced by the learned advocate for the petitioner.
3. Learned Advocate for the State has drawn the attention of this Court to the statement of the victim girl recorded under Section 183 B.N.S.S. 2023.
4. I have taken into account the same and am of the opinion that at this stage, without the further evidence of the victim, it would not be fit and proper to decide the bail application.

5. It has also been submitted that charge sheet has been filed before the jurisdictional Court.
6. Accordingly, I direct the learned Trial Court to consider the charges and thereafter examine the victim as the first witness of the case. In case the evidence of the victim so suggests, the prayer for bail of the petitioner be considered by the learned Trial Court by exercising the discretion and the social ramifications. However, so far CRM (M) 2179 of 2025 is concerned, the same is dismissed at this stage.

(Tirthankar Ghosh, J.)