

16.  
Court  
No.28

11.06.2024  
  
(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA  
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1382 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Malda Police Station Case No. 630/2023** dated **25.10.2023**.  
And  
In the matter of: - **Subhankar Das (Karmakar) @ Suvo** ...petitioner.  
Mr. Sagar Saha, Adv.,  
Mr. Nurnobi Seikh, Adv. ...for the petitioner.

Mr. Madhusudan Sur, Ld. APP,  
Mr. Sayan Dev Kumar, Adv. ...for the State.

The charge is under the Protection of Children from Sexual Offences (POCSO) Act. At the time of the incident, the victim girl was 16 years of age and the petitioner was about 20 years old. The petitioner says that there was a love affair between him and the victim girl. This is admitted by the victim girl in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973, as also in her statement made before the Police. The relevant statements of the victim girl have been shown to us. The petitioner says that he has been in custody for 231 days. There is no possibility of early conclusion of trial. *Prima facie*, the evidence on record will show that he did not commit any offence.

Learned Advocate for the State strongly opposes the prayer for bail. He produces before us the deposition of the victim girl recorded before the learned Trial Court wherein the

victim girl clearly stated that the petitioner followed her while she was pandal hopping during the pujas along with her friends and the petitioner took her to Rathbari and therefrom to Berhampore and to Krishnanagar to the house of the petitioner's elder sister. There she was forcibly married to the petitioner, who then committed rape on her. After two days she was brought near Telipukur at Malda and confined in the house of the petitioner's maternal aunt. Two days thereafter her mother went there with Police and recovered her.

Learned Advocate for the petitioner says that in the same deposition, in cross-examination, the victim girl has stated that in her Section 164 statement she stated that she had a love affair with the petitioner and intended to marry him. However, since her parents were not willing, she left the house and fled with the petitioner voluntarily.

We do see that there is some inconsistency in the evidence deposed by the victim girl. However, the trial is in progress. The learned Trial Court shall assess the quality of the evidence recorded by the witnesses including the victim girl. We are not inclined to grant bail at this stage since the charge is serious in nature and it cannot be said that there is no incriminating evidence against the petitioner.

The prayer for bail is rejected, at this stage.

However, the learned Trial Court is requested to expedite the trial as much as possible and bring the same to its logical conclusion preferably within six months from the date of communication of this order excluding the official vacations. If

the trial is not concluded within the aforesaid time period, the petitioner may renew his prayer for bail.

The application being CRM (DB) 1382 of 2024 is accordingly dismissed.

**(Arijit Banerjee, J.)**

**(Apurba Sinha Ray, J.)**