

18. Court No.29
28.02.2025
(Tanmoy)
Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 79 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 arising out of Kalna P.S. Case No.1025/2024 dated 27.08.2024.

And

In the matter of: - **AMIT PATHAK**

...petitioner.

Mr. Jyoti Prakash Chatterjee

...for the petitioner.

Mr. Imran Ali

Mr. Tirthankar Dhali

...for the State.

Ms. Swarnali Saha

...for the *de facto* complainant/OP2.

Dictated by Apurba Sinha Ray, J.

1. Report filed by the State in Court today be kept with the records.
2. Learned Counsel for the petitioner submits that the petitioner is in custody for about 199 days. He has been falsely implicated in this case. However, as the investigation is complete and trial has begun, the petitioner may be enlarged on bail on any condition that this Court may decide.
3. Learned State Counsel opposes the prayer for bail. He draws our attention to the statements of the victim girl and her mother recorded under Section 164 of the Criminal Procedure Code, 1973. According to him, there are sufficient incriminating materials against the present petitioner and further, there is no

delay in proceeding with the case since charge has already been framed and the next date fixed for witness action is March 23, 2025.

4. Learned Counsel for the *de facto* complainant also vehemently raises objection.
5. We have considered the materials on record. We find that the victim has clearly implicated the present petitioner.
6. In view of such materials on record, we are not inclined to allow the petitioner's prayer for bail, at this stage. Hence, the prayer for bail is rejected.
7. The application being CRM (DB) 79 of 2025 is accordingly dismissed.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)