

12.02.2025
Item no.69.
Court No.29.
S. De
(Rejected)

CRM (DB) No. 216 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

**In the matter of : Biki Momin @ Mister Rahul.
.....Petitioner.**

Mr. Soupal Chatterjee,
Mr. Anupam Das,
Mr. Md. Aniquel Rahaman,for the Petitioner.

Mr. Rudradipta Nandy, Ld. APP,
Ms. Rajnandini Das,for the State

Dictated by Apurba Sinha Ray, J.

1. Learned advocate for the petitioner submits that the petitioner is in custody for about six months. There is a relationship between the petitioner and the victim girl. But somehow she has been misguided and the present case has been filed against the petitioner. However, considering the period of detention and also the fact that investigation is complete, the petitioner may be enlarged on bail on any condition.
2. Learned advocate for the State opposes the prayer for bail. According to her, the victim girl did not admit of any amorous relationship as alleged by the petitioner. She has specifically stated that she has been abducted and thereafter physical relation was taken place forcibly at the instance of the petitioner.

If the petitioner is enlarged on bail, the prosecution may suffer.

3. We have considered the material-on-record including the statement of the victim girl recorded under Section 164 Cr.P.C. (Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023) and also the medical report. The victim girl did not admit that there was any amorous relationship between the concerned parties. There are sufficient incriminating materials against this petitioner. As such, we are not inclined to allow the petitioner's prayer for bail, at this stage.
4. CRM (DB) 216 of 2025 is dismissed.
5. However, we find that the petitioner is in custody for about six months, but charge has not yet framed. We direct the learned Trial Court to expedite the trial and conclude the same on an early date.
6. Let this matter be communicated by the parties to the learned Trial Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)