

292. 25.02.2025
Court
No.29 (Tanmoy)

Rejected

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
CRM (DB) 262 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 Habibpur P.S. Case No.122/2023 dated 14.4.2023.

And

In the matter of: - **SHIB HANSDA AND ANR.**

...petitioners.

Mr. Tapodip Gupta

...for the petitioners.

Mr. Sandip Chakraborty
Mr. Atulya Sinha

...for the State.

Dictated by Arijit Banerjee, J.

1. Service report filed by the State in Court today be kept with the records. We see that the *de facto* complainant/victim has received notice of this bail application, however, nobody appears for them.
2. Status report filed by the State be also kept with the records.
3. The petitioners are in custody for one year and 10 months. We see from the status report that trial is in progress.
4. We have seen the deposition of the victim girl. She squarely implicated these two petitioners. She said that while the petitioner no.1 forcibly committed rape on her, the petitioner no.2 stood guard. The charge is under Section 6 of the Protection of Children from Sexual Offences Act, 1985 and also under Section 376D of the Indian Penal Code. If convicted, the petitioners will have to undergo imprisonment for at least 20

years. *Prima facie* we find sufficient incriminating evidence against them.

5. In view of the aforesaid, in spite of the petitioners being in custody for quite some time, we are not inclined to enlarge them on bail, at this stage. The prayer for bail is rejected
6. The application being CRM (DB) 262 of 2025 is accordingly dismissed.
7. However, considering the period of detention of the petitioners in judicial custody, we direct the learned Trial Court to spare no effort to expedite the trial as much as possible and conclude the same on an early date without granting unnecessary adjournment to either of the parties and if necessary, by fixing frequent schedules for examination of witnesses.
8. Parties to communicate this order to the learned Trial Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)