

CRM (DB) 306 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Berhampore Police Station** Case No. **1436 of 2019** dated **18.11.2019** under Sections **363/366/34** of the Indian Penal Code and Section 8 of the POCSO Act.

- A n d -

In the matter of : Suman Mondal @ Suman Das

.... Petitioner.

Ms. Shabana Hasin,

... For the Petitioner.

Mr. Antarikhya Basu,
Mr. Ronit Mukherjee,

... for the State.

Mr. Robiul Islam,
Mr. M. Rahman,

.... For the defacto complainant.

Dictated by Arijit Banerjee, J:-

1. The petitioner says that he has been falsely implicated. He has no role to play in the alleged offence of rape or attempted rape. He is only 22 years old. There was, in fact, a love affair between him and the victim girl. The relationship having turned sour this complaint has been lodged. He is in custody for about one year two months. Investigation is complete. Charge sheet has been filed. Charge has been framed. His further custodial detention is not necessary.

2. We have seen the statements of witnesses recorded under Section 164 of the Criminal Procedure Code. *Prima facie* there is incriminating material against the petitioner.

3. However, what is more alarming is that the petitioner was absconding for four years and surrendered only after warrant of arrest was issued. Hence, the trial has also been delayed. Given

his conduct, it is highly possible that he may again abscond if he is enlarged on bail.

4. In view of the aforesaid, we are not inclined to enlarge the petitioner on bail, at this stage.

5. CRM (DB) 306 of 2025 is, thus, dismissed.

6. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)