

20.02.2025
Item no.51.
Court No.29.
S. De

CRM (DB) No. 320 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 : XXXXXXXX.

.....Petitioner.

Mr. Angshuman Chakraborty,
Mr. Susnigdho Bhattacharyya,
Mrs. Santa Bhattacharyya,

.....for the Petitioner.

Ms. Sreyashee Biswas,
Ms. Suparna Chatterjee,

.....for the State.

Mr. XXXXXX

...for the de facto complainant.
(name not supplied)

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records.
2. We see that witness action has started. The first prosecution witness being the victim girl is in the process of being examined.
3. We have seen the statement of the victim girl recorded under Section 164 Cr.P.C. (Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023). She squarely implicates the petitioner who is her step father (mother's fourth husband). We have also seen the medical report. Prima facie, the same supports the prosecution case.
4. Learned advocates for the State and the de facto complainant further tell us that the victim girl was threatened outside the Court room before she went in to depose. The learned Trial Judge has recorded in his order dated January 8, 2025 that the

witness is in fear psychosis and she needs counseling. Accordingly, the victim girl was sent to a Home.

5. We further see that while deposing on January 4, 2025, suddenly, the victim girl started crying. This demeanour was recorded by the learned Trial Judge.

6. On an overall assessment of the aforesaid facts and circumstances of the case and the material-on-record, we are not inclined to allow the petitioner's prayer for bail, at this stage.

7. CRM (DB) 320 of 2025 is dismissed.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)