

317. 25.02.2025
Court
No.29 (Pritam)
(Rejected)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 374 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 **Bhangore** Police Station Case No. **410/2020** dated **09.12.2020** under Sections **376(3)/506** of the IPC, 1860 and Section 4 of the **POCSO** Act.

And

In the matter of: - **Tanmay Ghosh.**

.....petitioner.

Mr. Navanil De,
Mr. Sk. Samiul Haque

...for the petitioner.

Mr. Avishek Sinha,
Ms. Sonali Bhar

....for the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records. Service report filed in court today by the State be also taken on record. In spite of service, nobody appears for the *de-facto* complainant.
2. We find from the report that only two formal witnesses remain to be examined. Today is the next date fixed before the learned trial court.
3. Learned State counsel says that the trial is expected to conclude very soon. The petitioner, however, complains that he is in custody for about 4 (four) years and 2 (two) months. On the touchstone of Article 21 of the Constitution of India, he prays for bail.

4. We have considered the depositions of the victim girl and her mother. We have also considered the FSL report pertaining to the seized wearing apparel of the victim girl, which was sent for forensic testing. *Prima facie*, there appears to be sufficient incriminating evidence against this petitioner. If convicted of the charge under Section 376(3) of the Indian Penal Code, he shall have to suffer imprisonment for minimum 20 years, which may also extend to life imprisonment.
5. In view of the aforesaid, in spite of the long detention of the petitioner, we are not inclined to allow the petitioner's prayer for bail.
6. However, considering the period of detention of the petitioner, we direct the learned trial court to expedite the trial to the fullest extent and conclude the same as soon as possible without granting unnecessary adjournment to either of the parties and if necessary, by forming frequent schedules for examination of witness.
7. The prayer for bail is, thus, **rejected**.
8. CRM (DB) 374 of 2025 is disposed of.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)