

19. 25.03.2025
Court
No.29 (Pritam)
(Rejected)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 365 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 **Baruipur** Police Station Case No.**855/2024** dated **08.06.2024** under Sections **328/341/354D/376/509/506** of the IPC, 1860 & Sections 4/6 of the POCSO Act, 2012.

And

In the matter of: - **Yashin Gazi @ Lyasin @ Yeasin.**
.....petitioner.

Mr. Angshuman Chakraborty
...for the petitioner.

Mr. Avishek Sinha,
Ms. Rajnandini Das
....for the State.

Dictated by Apurba Sinha Ray, J.

1. The learned counsel for the petitioner has submitted that the petitioner is in custody for 6 (six) months. There was a relationship between the petitioner and the victim girl but as the parents of the victim girl did not accept such relationship, the petitioner has been falsely implicated in this case. As the investigation is complete and there is no chance of an early conclusion of the trial, he may be enlarged on bail on any condition.
2. Learned counsel for the State opposes the prayer for bail. He has drawn our attention to the statement of the victim girl recorded

under Section 164 of the Cr.P.C. The said statement shows that penetrative sexual intercourse has been committed by the petitioner after administering a stupefying drug upon the victim girl. The petitioner has also destroyed the mobile phone by which he had taken obscene pictures of the victim at the relevant point of time. Charge is yet to be framed and the State will conclude the trial by examining 12 charge-sheet named witnesses as early as possible.

3. We have considered the materials on record, including the statement recorded under Section 164 Cr.P.C. She has clearly implicated the present petitioner and she did not talk about any love relationship. On the other hand, she refused to accept his proposal for love. However, considering the materials on record, we are not inclined to allow the petitioner's prayer for bail, at this stage.
4. The prayer for bail is, thus, **rejected**.
5. CRM (DB) 365 of 2025 is disposed of.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)