

23. Court No.29 (Rejected) 20.03.2025 (Pritam)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 442 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 **Junput Coastal Police Station** Police Station Case No.**179/2024** dated **13.09.2024** under Sections **64(2)(m)/89/108/351(2)/3(5)** the BNS, 2023.

And

In the matter of: - **XXXX**.

.....petitioner.

Mr. Kaushik Chowdhury

...for the petitioner.

Mr. Saibal Mondal,
Ms. Sonali Ghosh

....for the *de-facto*.

Mr. Ashok Das

....for the State.

Dictated by Apurba Sinha Ray, J.

1. The petitioner has submitted that the petitioner is in custody for 183 days. The medical report shows that the petitioner is incapable of performing sexual activities. However, as the investigation is complete, the petitioner may be enlarged on bail on any condition. The learned counsel has also pointed out that there is no paper showing that the petitioner helped the victim to abort her child.

2. Learned counsel for the *de-facto* complainant has submitted that in the second medical report, it has clearly mentioned that the petitioner is capable of performing sexual intercourse.
3. The learned advocate for the State has also raised strong objection. According to him, there are sufficient incriminating materials against the petitioners and further he has stated that the mother of the victim committed suicide due to this type of incident involving her child.
4. We have considered the materials on record. We find that in the statement recorded under Section 164 Cr.P.C. the victim clearly implicates the present petitioner. The present law of the land suggests that if the victim's evidence inspires confidence, the medical report may become immaterial.
5. In view of the aforesaid, we are not inclined to entertain the petitioner's prayer for bail, at this stage.
6. The prayer for bail is, thus, **rejected**.
7. CRM (DB) 442 of 2025 is disposed of.
8. However, we request the learned trial court to expedite the trial, if possible, by fixing frequent schedules for recording of evidence so that the matter can be disposed of as early as possible.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)