

25.08.2025
Item no.2
Court No.42
ss
(Dismissed)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (DB) 669 of 2025

In re : An Application for bail under Section Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Jibantala Police Station Case No. 429 dated 25.10.2022 under Sections 376AB/376C of the Indian Penal Code and Section 6 of POCSO Act corresponding to Special Case No. 272/2022 and SPL ST No. 16(01)/2023 now pending before the learned Special Court & 2nd Additional Sessions Judge, Alipore.

-And-

In the matter of : Jakir Hossain Sanfui @ Zakir

... .. Petitioner

Mr. Mukteswar Maity,
Ms. Manika Sarkar

... for the petitioner

Mr. Rana Mukherjee,
Ms. Poulami Basu

... ..For the State

Ms. Afreen Begum

... for the *de facto* complainant

1. Learned Advocate for the petitioner submits that the petitioner is languishing in custody for last 3 years without considerable progress in trial. He seeks for enlargement of the petitioner on bail. Certified copy of the deposition filed on behalf of the petitioner is taken on record.

2. Opposing such prayer for bail, learned Advocate for the State submits that the prosecution intending to examine ten charge-sheeted witnesses has already examined eight and only CSW 10 and CSW 16 remains to be examined. Further the victim has consistently implicated this petitioner of penetrative sexual assault. Since investigating officer CSW 16 is

a vital witness, a direction be issued upon the Superintendent of Police, Baruipur Police District to ensure the attendance of CSW 16 on the scheduled date of his examination. He seeks for dismissal of the bail application.

3. Learned Advocate for the *de facto* complainant also opposes such prayer for bail and submits that there are specific statements of the victim against this petitioner. She also seeks for dismissal of the bail application.

4. Perused the case diary and materials on record.

5. The victim at the time of incident was 5 years of age. The victim in her statement before the Magistrate as well as in her deposition in court implicates this petitioner of penetrative sexual assault. Considering such incriminating materials and bearing in mind nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, the bail prayer of the petitioner is rejected.

7. It is informed by the State that CSW 10 and CSW 16 remains to be examined on behalf of the prosecution.

8. The prosecution is directed to produce witnesses as per schedule fixed by the trial court for examination of witnesses.

9. Superintendent of Police, Baruipur Police District is directed to ensure the attendance of CSW 16, the Investigating Officer, on the scheduled date of his examination.

10. The learned trial court is directed to expedite the trial to the fullest extent and conclude the trial at an early date without granting any unnecessary adjournment to either of the parties.

11. The parties are directed to cooperate in the trial for examination of the witnesses.

12. Parties are at liberty to communicate this order to the learned trial court.

13. The application for bail being **CRM (DB) 669 of 2025** stands dismissed.

(Bivas Pattanayak, J.)