

03.04.2025
Item no.15
Court No.39
ss

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

C.R.M.(DB) 748 of 2025

In Re:- An application under Section 439 of the Code of Criminal Procedure 1973/Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Ranitala Police Station Case No.40 of 2024 dated 01.02.2024 under Sections 363/365/376(DA) of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.
And

In Re : XXXX

.... Petitioner

Mr. Ali Ahsan Alamgir
Ms. Rabia Khatoon
Ms. Soma Mal
Ms. June Modak

....for the petitioner

Mr. Sandip Chakraborty
Ms. Chandreyi Dutta

..... for the State

Mr. Simanta Kabir

... for the De facto complainant

Service report filed by the State is taken on record.

Learned Advocate for the petitioner submits that neither in the earlier statement of the victim nor in the written complaint there is any such allegation against the petitioner. The three co-accused persons were granted bail by the learned trial court. After addition of Section 376 D of Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, the prosecution filed an application for cancellation of bail, which has been disallowed and fresh bail application of the co-accused was also allowed by the learned trial court. The

petitioner stands on the same footing. He seeks for enlargement of the petitioner on bail.

On the contrary, learned Advocate for the State submits that in an application for anticipatory bail filed by the petitioner being CRM(A) 4000 of 2024 direction was issued upon the Officer-in-Charge of the Ranitala Police Station to pray for addition of graver Section 376DA of the IPC to the charge-sheet considering the subsequent statement of the victim of such graver offence. He seeks for dismissal of the bail application.

Learned advocate for the *de facto* complainant leaves the matter to the discretion of the Court.

Perused the case diary and the materials on record.

From the statement of the victim recorded under Section 164 Cr.P.C., it is found that there are serious allegations against the petitioner of his involvement in the gang rape.

Considering the nature and gravity of the offence and the materials as indicated, this Court is not inclined to enlarge the petitioner on bail.

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

The application for bail being **CRM (DB) 748 of 2025** stands dismissed.

Urgent photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)