

03.04.2025
Item no.13
Court No.39
ss

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

C.R.M.(DB) 721 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 Bhangore Police Station Case No.388 of 2019 dated 11.07.2019 under Sections 376DA/506) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

And

In Re : Rahim Box Molla @ Rahim Molla
.... Petitioner

Mr. Uday Sankar Chattopadhyay
Ms. Trisha Rakshit
Ms. Rajashree Tah
Ms. Aishwarya Datta
Ms. Sadia Parveen
Ms. Pragati Brahma
....for the petitioner

Mr. Avishek Sinha
Mr. Karan Bapuli
..... for the State

Status report along with copy of report of service furnished by the State is taken on record.

It is found that service has been effected on the *de facto* complainant by the State pursuant to the previous order.

Learned Advocate for the petitioner submits that the petitioner is in custody for more than three years. The prosecution has examined only five witnesses out of seventeen charge-sheeted witnesses. Out of two victims one has not supported the prosecution case. There is no such possibility of conclusion of trial within a short period. Relying on an

unreported decision of the Hon'ble Supreme Court passed in *Arjun Jalba Ichke -versus- The State of Maharashtra & anr.*, (@ SLP (CRL.) No. 13521/2024), he seeks for enlargement of the petitioner on bail.

On the contrary, learned Advocate for the State submits that the petitioner absconded for a period of more than two years and after his arrest, retrial has started. Five out of seventeen witnesses have already been examined and the date has been fixed for further examination of prosecution witnesses on 24th April, 2025. The petitioner has been named by the victim before the doctor at the first instance and also in the statement recorded under Section 164 Cr.P.C. He seeks for dismissal of the bail application.

Perused the case diary and the materials on record.

It is found that the present petitioner has absconded over two years and after his arrest on 10th December, 2021 retrial has started. Five out of seventeen witnesses have been examined and it is informed by the learned Advocate for the State that date has been fixed on 24th April, 2025 for further examination of prosecution witnesses. The allegations involve offence of gang rape. The involvement of the petitioner in the alleged offence has been stated by the victim in her evidence before the doctor as well as at the time of investigation.

The fact in the cited case of *Arjun Jalba Ichke* (supra) does not apply in the facts and circumstances of the present case.

Considering the aforesaid materials, the gravity of the offence and the fact that the petitioner absconded for a

considerable period, 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) 721 of 2025** stands dismissed.

Trial Court is directed to expedite and conclude the trial at an early date.

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.)