

02.04.2025
Court No.39
ab
(rejected)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 739 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 in connection with Duttapukur P.S. Case No. 55 of 2024 dated 16.01.2024 under Sections 376/506 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In the matter of: **Rana Pramanik** **Petitioner.**

Mr. Kamalesh Ch. Saha,
Mr. Arka Chatterjee,
Mr. Samannya Saha
... For the Petitioner.

Ms. Rituparna De Ghosh,
Ms. Rituparna Saha
... For the State.

Affidavit of service filed in compliance with the previous order dated 25th March, 2025 of this Court is taken on record.

It is found that service upon the *de facto* complainant/victim by the petitioner could not be effected and the item has come back to the sender as per track consignment report annexed to the affidavit of service.

In terms of previous order dated 25th March, 2025, the State furnishes report of service upon the *de facto* complainant, which is taken on record.

It is found that service has been effected upon the *de facto* complainant by the State.

Mr. Kamalesh Ch. Saha, learned advocate for the petitioner submits that the petitioner is languishing in custody for the last 400 days. Charge has been framed on 15th April, 2024 and out of 25 witnesses, not a single witness has been examined. The petitioner is in custody without trial being commenced as yet, which is violative of Article 21 of the Constitution of India. In support of his contentions, he relies on the decision of Hon'ble Supreme Court passed in ***Rabi Prakash versus The State of Odisha*** reported in ***2023 LiveLaw (SC) 533***. He seeks for enlargement of the accused/petitioner on bail.

Ms. Rituparna Ghosh, learned advocate for the State submits that there are specific allegations against the petitioner as is transpiring from the statements of the victim recorded under Section 164 of the Code of Criminal Procedure. She informs that today and tomorrow are date fixed for examination of the witnesses and files status report, which is taken on record. She seeks for rejection of the application.

From the status report, it is found that charge has been framed on 15th April, 2024 and till date, no witness has been examined. Be that as it may, from the statements of the victim recorded under Section 164 of the Code of Criminal Procedure, it is found that there are specific

allegations against the petitioner of his involvement in the alleged offence. Bearing in mind the gravity of the offence, this Court is not inclined to enlarge the accused/petitioner on bail.

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

So far as the decision cited by the petitioner in *Rabi Prakash (supra)* is concerned, it is found that the same has been passed in a proceeding under the NDPS Act,

Accordingly, **CRM (DB) 739 of 2025** is dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Bivas Pattanayak, J.)