

07.04.2025
Item No.14.
Monthly List
Court No.39
Mithun

CRM (DB) 763 of 2025

In re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Corresponding to Section 439 of the Code of Criminal Procedure) in connection with S.T. No.05(07)/2024 arising out of Barasat Women Police Station Case No.55/2024 dated 22.04.2024 under Section 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.

-And-

In the matter of : XXXXX

... Petitioner

Mr. Angshuman Chakraborty,
Mr. Shashanka Sekhar Saha

... for the Petitioner

Ms. Anasuya Bhattacharya,
Ms. Munmun Chakraborty

...for the *de facto* complainant

Mr. Kaushik Biswas,
Mr. Abhinaba Mukherjee

...for the State

State furnishes status report which is taken on record.

Learned Advocate for the petitioner submits that petitioner is in custody for almost a year. All the vulnerable witnesses have already been examined. The petitioner and the victim are relatives. Since there is civil dispute between the relatives, the petitioner has been falsely implicated in this case. The FIR has been lodged belatedly after 2½ months of the incident. The petitioner is also of tender age of 20 years. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State submits that there are serious allegations as is appearing from the statement of the

victim recorded under Section 164 of the Cr.P.C. He seeks for dismissal of the application.

The prayer for bail is also opposed by the learned Advocate for the *de facto* complainant.

Perused the Case Diary and the materials on record.

It is found from the statement of the victim recorded under Section 164 of the Cr.P.C. that there are serious allegations against the petitioner of his involvement in sexual intercourse with the victim forcibly which has also been stated by the victim in her deposition in Court. Considering the above materials and gravity of the offence, I am 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) 763 of 2025** stands dismissed.

The status of the trial shows that three, out of thirteen witnesses have been examined and date has been fixed on 3rd March, 2025 and 5th March, 2025 for examination of further witnesses.

Learned 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.)