

24.04.2025
Item No.07.
Daily List
Court No.39
Mithun
(Rejected)

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

CRM (DB) 802 of 2025

In re : An Application for bail under section 439 of the Code of Criminal Procedure 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with English Bazar Women Police Station Case No.192 of 2021 dated 1st October, 2021 under Section 448 of the Indian Penal Code, 1860 read with Section 4 of Protection of Children from Sexual Offences Act, 2012.

-And-

In the matter of : XXXXXXXXX

... Petitioner

Mr. Debarshi Brahma,
Mr. Subarna Bank

...for the petitioner

Mr. Sardar Sahin Imam,
Ms. Sreetama Das

... ...for the State

Service report filed by the State is taken on record.

Learned Advocate for the petitioner submits that there are variance in the statement of the victim made before the Magistrate vis-a-vis her deposition in Court. The petitioner is in custody for 3½ years. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that as per the evidence of the victim, there are serious allegations against the petitioner and the medical

evidence also supports the evidence of the victim. He seeks for dismissal of the bail application.

Perused the Case Diary and the materials on record.

The victim in her statement before the Court has categorically stated that she was forcibly raped by the petitioner. Previously, the bail prayer of the petitioner was rejected in CRM 2519 of 2023 considering such aspect. Bearing in mind the above materials and nature 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) 802 of 2025** stands dismissed.

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

(Bivas Pattanayak, J.)