

04.04.2025
Item No.07.
Daily List
Court No.39
Mithun

CRM (DB) 801 of 2025

In re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kotwali Police Station Case no.392/2022 dated 18/04/2022 under Sections 376 AB of the Indian Penal Code and under Section 4 of the Protection of Children from Sexual Offence, 2012 vide POCSO Case No.33 of 2022.

-And-

In the matter of : Raju Halder @ Halder

... Petitioner

Ms. Suman Biswas

... for the petitioner

Mr. Partha Pratim Das,
Ms. Srilekha Chattopadhyay

...for the State

State files a status report along with service upon the *de facto* complainant.

Affidavit-of-service filed on behalf of the petitioner is taken on record.

It is found from the track consignment report that service upon the *de facto* complainant could not be effected.

Be that as it may, the service report filed by the State shows that service upon the *de facto* complainant has been effected.

Learned Advocate for the petitioner contends that the petitioner is in custody for 2 years and 10 months and there is

delay in progress of the trial. On such ground, he seeks for enlargement of the petitioner on bail.

Learned Advocate for the State opposes the prayer for bail and submits that out of 17 witnesses, 9 witnesses have already been examined. Thus, the trial has proceeded considerably. Further, as per the statement of the victim and her deposition in Court, there are serious allegations against the petitioner. The victim is 4-year-old. He prays for dismissal of the bail application.

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. as well as her deposition in Court that there are serious allegations of forcible act on the part of the petitioner. 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) 801 of 2025** stands dismissed.

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.)