

28.04.2025
Item no.17
Court No.39
ss
(Dismissed)

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

C.R.M.(DB) 926 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Rabindranagar Police Station Case No.111 of 2022 dated 12.05.2022 under Sections 376(2)(a)/376(3)/506 of Indian Penal Code and Section 6 of the Protection of Child from Sexual Offences Act.

And

In Re : Sk. Badsha

.... Petitioner

Mr. Deepak Prahladka
Ms. Reshmi Khatun

....for the petitioner

Mr. Debasish Roy, Ld. PP
Mr. Arijit Ganguly
Mr. Koushik Kundu

..... for the State

Ms. Anasuya Bhattacharya
Ms. Munmun Chakraborty

... for the *de facto* complainant

Status report filed by the State is taken on record.

Learned Advocate for the petitioner submits that since there was business rivalry between the petitioner and the father of the victim, the petitioner has been falsely implicated in this case. There are no such incriminating materials against the petitioner. The victim and her father have already been examined in the trial court. The abortion has been done by a quack doctor, who is not authorized to do the same. The petitioner is languishing for custody almost three years. He seeks for enlargement of the petitioner on bail.

Opposing such prayer, learned Advocate for the State submits that the over act of the petitioner has been stated by the victim in her statement before the Magistrate as well as before the Court. The victim became pregnant due to such sexual intercourse of the petitioner upon her. He files copy of deposition, which is taken on record. He seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant opposes such prayer for bail.

Perused the case diary and materials on record.

The victim was aged about 13 years at the time of incident. As per statement of the victim recorded under Section 164 of Cr.P.C. as well as deposition in Court there are serious allegations against the petitioner for causing rape upon the victim. Medical report shows that the victim became pregnant due to such commission of rape upon her. The fact of pregnancy has also been stated by the victim in Court. Considering the above materials and the nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

Accordingly, the bail prayer is rejected.

Learned trial court is directed to expedite and conclude the trial at an early date without granting any unnecessary adjournment to either of the parties.

The application for bail being **CRM (DB) 926 of 2025** stands dismissed.

(Bivas Pattanayak, J.)