

28.04.2025
Item no.18
Court No.39
ss
(Dismissed)

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

C.R.M.(DB) 940 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 Malda Police Station Case No.544 of 2023 dated 17.09.2023 under Sections 376AB/506 of Indian Penal Code, 1860 and under Sections 6 of the Protection of Child from Sexual Offences Act, 2012.

And

In Re : Nimai Mahanta @ Nimai Mahato
.... Petitioner

Mr. Mazhar Hossain Chowdhury
....for the petitioner

Mr. Rudradipto Nandy
Ms. Poulami Bose
..... for the State

Service report along with status report filed on behalf of the State is taken on record.

Learned Advocate for the petitioner submits that out of previous animosity the petitioner has been falsely implicated in this case. However, there is no such injury in the medical report. The petitioner is in custody for more than one year. He seeks for enlargement of the petitioner on bail.

Opposing such prayer, learned Advocate for the State submits that as per the statement of the victim there are specific allegation of penetrative sexual assault against the petitioner. He seeks for dismissal of the bail application.

None appears on behalf of the *de facto* complainant.

Perused the case diary and materials on record.

The victim was aged about 7 years at the time of incident. It is found from the statement of victim that there are specific allegations against the petitioner of penetrative sexual assault upon the victim. 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.

The status report shows that out of 17 prosecution witnesses 2 witnesses have already been examined and prosecution intends to examine another 5/6 prime witnesses, which is scheduled on 22nd May, 2025.

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) 940 of 2025** stands dismissed.

(Bivas Pattanayak, J.)