

08.05.2025
Item no.13
Court No.39
ss
(Dismissed)

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

C.R.M.(DB) 982 of 2025

In Re:- An Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the Criminal Procedure Code, 1973 in connection with Baruipur Police Station Case No.113 dated 28.01.2023 under Section 6 of the Protection of Children from Sexual Offences Act, 2012 (subsequently Charge Sheet has been submitted under Sections 376(2)(n)/376(3)/342 of the Indian Penal Code) and Section 06 of the Protection of Children from Sexual Offences Act, 2012 (corresponding to Special Case No.15/2023) (corresponding to Spl. ST 28/2023) pending before the learned Additional District & Sessions Judge and Special Court under POCSO Act, Baruipur, South 24-Parganas.

-And-

In Re : Santu Mondal

... Petitioner

Mr. Ayan Basu
Mr. Sandip Kr. Mondal
Mr. Sumit Routh

...for the petitioner

Mr. Sanjoy Bardhan
Mr. Akash Ganguly

...for the State

Mr. Pronojit Roy
Mr. Ashutosh Mondal

... for the *de facto* complainant

Learned Advocate for the petitioner submits that the petitioner is in custody for 2 years and 3 months without there being considerable progress in trial. The deposition of the victim in cross-examination would show that there was consensual relationship between the parties. He seeks for enlargement of the petitioner on bail.

Status report filed by the State is taken on record. Learned Advocate for the State at the outset submits that although there are 15 charge-sheeted witnesses but the prosecution will examine 5 to 6 more witnesses which will be

concluded within a period of seven months. The victim has categorically implicated the petitioner of his involvement in the alleged offence. He seeks for dismissal of the application.

Learned Advocate for the *de facto* complainant submits that the family members of the victim had been threatened. He seeks for dismissal of the application.

Perused the case diary and materials on record.

In the statement before the Magistrate as well as deposition in Court, the victim implicates the petitioner of causing rape upon her. Considering the above materials and bearing in mind nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

Accordingly, the bail prayer is rejected.

It appears from the status report that the prosecution will examine 5 to 6 more witnesses, which will be completed within 7 to 8 months.

Bearing in mind the fundamental right of the accused-petitioner to have speedy trial, the learned trial court is directed to expedite the trial to the fullest and conclude the trial at an early date without granting any unnecessary adjournment to either of the parties.

The prosecution is directed to produce witnesses as per schedule fixed by the trial court for examination of witnesses.

The parties are directed to cooperate in the trial for examination of the witnesses.

Parties are at liberty to communicate this order to the learned trial court.

The application for bail being **CRM (DB) 982 of 2025** stands dismissed.

(Bivas Pattanayak, J.)