

30.04.2025
Item No.20.
Daily List
Court No.39
Mithun
(Rejected)

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

CRM (DB) 1005 of 2025

In re : An Application under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with Kaliyaganj
P.S. F.I.R. No.428 of 2024 dated 01.10.2024 under section
137(2) of BNS with added section 06/17 of POCSO Act & G.R.
No.2254/2024.

-And-

In the matter of : Sabbir Alam @ Sabbir Ali

... Petitioner

Mr. Ajay Debnath,
Mr. Bikas Kumar Modok

...for the petitioner

Mr. Aurin Chakraborty,
Mr. Suman Adhikary

...for the *de facto* complainant

Mr. Rana Mukherjee, Ld. A.P.P.,
Mrs. Rituparna Saha

...for the State

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

Learned Advocate for the petitioner submits that the
petitioner and the victim had previous love affairs. The victim
left her home on her own accord. There is no forcible sexual
intercourse by the petitioner which will be evident from the
medical report. Upon completion of investigation, charge sheet
has already been submitted and the petitioner is in custody for
180 days. There is delay in trial and as such the fundamental
right of the petitioner is infringed as enshrined under Article 21

of Constitution of India. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State opposing such prayer for bail submits that the victim has been recovered from the house of the petitioner after one month. The medical report shows that the hymen has been ruptured. The statement of victim implicates the petitioner of forcible act. He also informs that 5th May, 2025 is the date fixed for examination of the victim girl. He seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant submits that there are specific allegations against the petitioner of his involvement in the alleged offence of forcible sexual intercourse with the minor victim. He seeks for dismissal of the application.

Perused the Case Diary and materials on record.

The statement of the victim recorded before the Magistrate clearly implicates the petitioner of taking away the victim and wrongfully confining her and thereafter entering into forcible sexual intercourse with her. Considering 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) 1005 of 2025** stands dismissed.

(Bivas Pattanayak, J.)