

22.05.2025

Item No.01

Ct.No.34

Ap.

Rejected

C.R.M. (DB) 433 of 2025

C.R.M. (DB) 1055 of 2025

C.R.M. (DB) 960 of 2025

In Re : An Application for bail under Section 483 of the
Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In Re : Souvik Dasmal @ sunny

... Petitioner.

Mr. Sanjay Banerjee,

Mr. Rohit Kundu

... for the petitioner in CRM (DB) 433 of 2025.

In Re: D

In Re: Vikram Das @ Vikramaditya @ Saptarshi

Mr. Sandipan Ganguly, Sr. Advocate,

Mr. Avik Ghatak,

Mr. Saibal Krishna Dasgupta

... for the petitioner in CRM (DB) 1055 of 2025

And CRM (DB) 960 of 2025.

Mr. Joydeep Biswas

Mr. Shantanu Talukdar,

Mr. Karan Bapuli

... for the State.

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Mr. Bikash Ranjan Bhattacharya, Sr. Adv.

Mr. Pintu Karar

Mr. Akashdeep Mukherjee

...for the de facto complainant.

Since all the three matters stem out of the same FIR,
they are taken up for consideration together and are
disposed of by a common order.

The petitioners are in custody for more than a year
and pray for bail.

Learned counsel for the petitioner in CRM (DB) 433 of 2025 has canvassed his argument as follows:-

The prosecution proposes to examine 123 witnesses and the case diary runs into thousands of pages besides video footages playing for more than 400 hours. In the first statement made by the de facto complainant, there was no allegation of demand of ransom. The statement is also silent with regard to alleged brandishing of knife by one of the co-accused. His statements have been improved from time to time. Though it is alleged that some pills were forcibly administered to the de facto complainant and his driver which rendered them unconscious for about 28 hours, there is no finding as to what stupefying substance was added to the pills administered. Despite the victims being unconscious for 28 hours, no sign of defecation was found either in their wearing apparel or at the place of occurrence. The CCTV footages do not support the case made out by the prosecution that the petitioner was driving the black Volvo car of the de facto complainant in the evening of 4th December, 2023 in various parts of the city. The driver has stated that they visited the place of occurrence to invite people for the complainant's wedding. The petitioner was identified in test identification parade held almost one month after the incident. There is no explanation why the petitioner allegedly purchased "kata tel" despite several petrol pumps being available in the city. The petitioner prays for bail.

Speaking for the petitioners in CRM (DB) 1055 of 2025 and CRM (DB) 960 of 2025, learned counsel has submitted

that petitioner D lodged a complaint before Anandapur Police Station, being case no. 329 of 2023 on 5th December, 2023 against the de facto complainant and another and as a counter-blast, the present complaint was lodged. D complained that on 4th December, 2023, she was drugged and sexually assaulted by the complainant in his car and complaint was registered under sections 328/376D/120B of the Indian Penal Code. On 5th December, 2023, the complainant portrayed himself as a victim and lodged a false and fabricated complaint against D and her associates.

The case is based on statements under sections 161/164 of the Code of Criminal Procedure which kept on adding details with passage of time. The initial statement of the victim did not attribute any role to the petitioners. Their involvement as well as allegation of ransom were included in the subsequent statements.

No ransom call was made, nor any money transferred to the accounts of the petitioners. Though it is alleged that one Saptarshi invited the complainant for selling his movie, no call detail record was seized. Surprisingly, though the petitioners allegedly intended to extract money from the complainant, they are said to have extracted semen from the driver, no such evidence being on record. The petitioners have been framed only to coerce D into compromising the case lodged by her.

There is no medical report to substantiate that the alleged victims were drugged and remained unconscious for over 28 hours. The video footages do not show any of the

car's occupants or the driver. It is surprising to note that hired drivers and other witnesses have given statements narrating details of the incident and the accused persons and were able to recollect the day's incident and persons involved in detail, despite their limited scope of interaction.

Joint bank accounts of D and Vikram Das and communication with each other have been found which is normal since they have been co-habiting as a couple. The suicide note of a co-accused also requires assessment.

Charges were formally framed on 16th January, 2025 and the prosecution proposes to examine 139 witnesses. There is little possibility of trial being concluded in near future.

With regard to petitioner D, learned counsel has submitted that she is a victim of rape and is covered under the exceptions provided under section 437 of the Code of Criminal Procedure. Such extension can be extended to section 439 of the Code as observed by the Hon'ble Supreme Court in the authority in *Satender Kumar Antil v/s. CBI* reported in (2022) 10 Supreme Court Cases 51. The first supplementary charge sheet submitted in the present case reflects that the police personnel of Netaji Nagar police station had predicted a final report in the Anandapur police station case, which happened eventually. The petitioner D has applied for the documents in the said case under section 207 of the Code of Criminal Procedure and shall proceed to challenge the final report upon receipt of the same.

Vehemently opposing the prayers, learned counsel for the State has submitted that after the incident the petitioners went around the city in the de facto complainant's car with three mobile phones snatched from the de facto complainant and Faroz Mollah which is covered by the CCTV footages. As per plan chalked out by the petitioners, D lodged a complaint of gangrape against the de facto complainant and his associate and the Anandapur P.S. case was initiated. On medical examination, no injury mark was detected in the perennial region and the doctor opined that there was nothing to suggest any recent forceful sexual intercourse, nor any foreign body detected on the genetalia. D did not turn up for recording her statement under section 164 of the Code of Criminal Procedure and handed over her wearing apparel two days after the incident.

On extraction of D's mobile phone data it was found that she used to work in the office of the de facto complainant as a professional model. In her conversation with her mother over phone she stated that the case initiated by her before Anandapur police station was negative and nothing would transpire from her medical examination. Though she stated that she was raped by the victim of the present case inside a car, her mobile phone indicates that at the relevant time she was searching for a movie in her mobile phone in the OTT platform "hoichoi". The residential address provided by D in Kolkata is also fake. Her voice sample sent for FSL examination has matched with her conversation with her mother extracted from her mobile

phone. The Anandapur P.S. case ended in a final report “false and un-occurred”. A narazi petition was filed by D against the said report which was not pursued. The bottle which was found inside the Volvo car contained ethyl alcohol.

One of the co-accused Baisakhi Bhanu Das committed suicide when she was being looked for by the investigating agency in the present matter. She left a suicide note where she has narrated the entire incident and how she and the petitioners used to commit organized crimes.

There are twelve vulnerable witnesses to be examined and the prosecution shall examine 50 witnesses including the said witnesses. If the petitioners are granted bail at this stage, the witnesses may be gained over or may turn hostile out of fear. The petitioners/accused persons have been resorting to several dilatory tactics to delay the trial. They operate as a part of an organized gang which works all over India in the same *modus operandi* of initiating false rape cases against individuals after keeping them confined. The group has extorted a sum of Rs. 7,00,00,000/- (seven crores only) from the victims in a case in Mumbai and siphoned the amount to different accounts, petitioner Souvik having received Rs. 29 lakhs (Twenty-nine lakhs only) from them.

Learned counsel for the de facto complainant has also opposed the prayer for bail and has submitted that vulnerable witnesses are yet to be examined.

I have considered the material on record.

The de facto complainant and his driver were allegedly confined at the place of occurrence on 4th December, 2023 and was rescued therefrom on 5th December, 2023. A general diary was lodged by the de facto complainant's mother on 5th December, 2023 stating the de facto complainant was missing from 4th December, 2023 after leaving his house at about 9:10 P.M. This fact prima facie lends support to the prosecution case which says that the de facto complainant was confined on 4th December, 2023.

D has alleged that the present complaint is a retaliation to an earlier complaint lodged by her against the de facto complainant and his associate alleging sexual assault in the vehicle of the de facto complaint. D lodged the complaint on 5th December, 2023. Though the present complaint was lodged on 6th December, 2023, the incident occurred on 4th December, 2023, i.e. prior to D's complaint. The said complaint was lodged after alleged confinement of the de facto complainant and his driver which probably answers the question why attempts were made to collect the semen of the de facto complainant. The FIR lodged by D culminated in a final report referring to the incident as "false and un-occurred". Medical examination of D has not suggested any recent forceful sexual intercourse or injuries. She did not turn up for recording her statement under section 164 of the Code of Criminal Procedure. Forensic examination of her voice sample has suggested that in her conversation with her mother over phone, she stated that the complaint lodged by her was false and nothing would

transpire from her medical examination. Her residential address in Kolkata provided to the investigated agency is found to be false. Though she alleged that she was raped by the de facto complainant inside his car, she was in fact searching for a movie in her mobile phone in the OTT platform “hoichoi” at that time. Therefore the FIR lodged by D cannot prima facie act as a shield to exonerate her from the present complaint.

The petitioners prima facie appear to have been operating as an organized gang throughout the country, extorting huge amount of money from victims by keeping them confined and initiating false rape cases against them.

It is alleged that the victims were administered stupefying drugs which made them unconscious for more than a day. Analysis of the drugs has led to detection of chloroform. The petitioners have been identified in T.I. parade. The veracity of the alleged images of the petitioners captured in the CCTV footages shall be assessed at the appropriate stage of trial.

One of the co-accused has committed suicide during investigation, leaving behind a suicide note. The suicide note speaks about the *modus operandi* of the petitioners in targeting the de facto complainant.

Sufficient incriminating material has transpired against the petitioners during investigation. The prosecution proposes to examine 50 witnesses out of whom 12 witnesses are vulnerable. In the event the petitioners are released on

bail at this stage, chances of their intimidating/ influencing/ winning over witnesses cannot be ruled out.

Considering the nature and gravity of the offence and prima facie involvement of the petitioners therein, prayer for bail is rejected at this stage.

The bail applications are disposed of accordingly.

It is made clear that the observation made in this order is only for the purpose of considering the applications for bail and shall not be construed as an observation on merits of the cases. The learned trial Court shall deal with the cases on their own merits independently without being influenced by any observation made in this order.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)