

02.05.2025
Item no.18 (DL)
Court No.39
srm
(Rejected)

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

C.R.M.(DB) 1057 of 2025

In Re:- An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 439 of the Criminal Procedure Code, 1973 in connection with Malda Police Station Case No.235/2021 dated 20.05.2021 under Sections 377/506 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012 pending before Learned Judge, Special Court, Additional District Judge, 2nd Court, Malda;

And

In Re : Dipak Roy @ Dipak Kumar Roy @ Dipak Ray @
Dipak Kumar Ray

.... Petitioner

Ms. Sabrina Parveen

...for the Petitioner.

Mr. Soumik Ganguly,
Mr. Abhishek Verma

... for the State.

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

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

Despite service, none appears on behalf of the *de facto* complainant.

Learned Advocate for the petitioner submits that while rejecting the previous bail application being CRM(DB) 3014 of 2024 this Court directed the trial court to complete the trial by delivering judgment within six months from the next date fixed for recording evidence. However, evidence is yet to be concluded. The petitioner is in custody for three years four months. He

seeks for enlargement of the petitioner on bail on the ground of delay in trial.

Learned Advocate for the State opposes such prayer bail and submits that as per statement of the victim boy there are serious allegations against the petitioner of his involvement of penetrative sexual assault which is also supported by medical examination report. He also informs the Court that 3/4 prime witnesses are expected to be examined by the prosecution within next 6/7 months. He seeks for dismissal of the bail application.

Perused the case diary and the materials on record.

The statement of the victim implicates the petitioner of his involvement in the offence of penetrative sexual assault upon the victim. Such aspect is supported by medical examination report. Considering such materials and the nature and gravity of the offence, I am not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

From the status report, it is found that 3/4 prime witnesses are expected to be examined by the prosecution within next 6/7 months and 13th May, 2025 is date fixed for production of evidence.

Accordingly, the learned Trial Court is directed to expedite the trial and conclude the same at an early date without granting unnecessary adjournments.

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

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

The application for bail being ***CRM (DB) 1057 of 2025*** stands dismissed.

(Bivas Pattanayak, J.)