

22.05.2025

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jb.
jdt.

C.R.M. (DB) 1126 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Pandua Police Station Case No. 291 of 2023 dated 03.06.2023 under Section 376(2)(1) of the Indian Penal Code.

And

In Re : Tanmoy Paul

Mr. Arunava Ganguly
... For the Petitioner.

Mr. Rana Mukherjee
Mr. Tirthankar Dhali
... For the State.

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

The victim is not represented despite service.

Learned counsel for the petitioner submits that the petitioner is in custody for more than two years and trial is progressing at very slow pace. CSW 1 is either absent in Court or is released without examination when she is appearing before the Court.

Opposing the prayer, learned counsel for the State refers to documents which indicate that the petitioner is a differently abled lady and has not cooperated in her medical examination. However, she has implicated the petitioner in her statement recorded under Section 161/164 of the Code of Criminal Procedure.

I have considered the material on record and the statement of the victim. The victim happens to be the differently abled lady.

She has implicated the petitioner in her statement under Section 161/164 of the Code of Criminal Procedure. Vulnerable witnesses are yet to be examined.

Considering the nature and gravity of the offence as well as *prima facie* involvement of the petitioner therein the prayer for bail is rejected at this stage.

Learned trial Court is directed to examine the vulnerable witnesses at an early date without granting any unnecessary adjournment to either of the parties, in accordance with law.

The application for bail is disposed of.

Case diary be returned.

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

(Suvra Ghosh, J.)