

04.07.2025
Item no.5
Court No.42
ss
(Dismissed)

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

C.R.M.(DB) 1084 of 2025

In re : An application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 corresponding Section 439 of
the Code of Criminal Procedure in connection with ST (POCSO)
No.31(9)2022 arising out of Serampore Police Station Case
No.133 of 2022 dated 03.05.2022 under Sections 376(2)(f)(i) of
the IPC & Section 6 of the POCSO Act.

-And-

n the matter of : XXXX

... Petitioner

Mr. Santanu Chakraborty
Mr. Aniket Kanrar
Mr. Anshuman Patra

...for the petitioner

Mr. Anand Keshri
Mr. Tirupati Mukherjee

...for the State

Ms. Manasi Roy

... for the *de facto* complainant

Service report filed on behalf of the State is taken on
record.

Learned Advocate for the petitioner submits that there are
discrepancies in the evidence of the witnesses. The petitioner is
in custody for 3 years and 2 months. For last 1½ years no
witness has been examined on behalf of the prosecution. He
seeks for enlargement of the petitioner on bail. He files copy of
the evidence of the victim, which is taken on record.

Opposing such prayer for bail, learned Advocate for the
State submits that the victim, at the time of incident, was 9
years. The victim before the Magistrate as well as during her

examination in court implicates the petitioner. He seeks for dismissal of the bail application.

Similar submission is also advanced on behalf of the *de facto* complainant, seeking for dismissal of the application for bail.

Perused the case diary and materials on record.

It is found that the victim was a minor aged about 10 years at the time of incident. In her statement before the Magistrate as well as during the examination in Court the victim implicates the petitioner of his involvement in the alleged offence. The allegation appears to be serious one. 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 of the petitioner is rejected.

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.

It appears from the copy of the deposition of the victim that through the name of the victim has been concealed but her other details has been recorded in the Form of deposition.

Learned trial court is directed to redact the necessary details of the victim in the form of heading of deposition.

Learned Advocates for the petitioner and State are directed to submit certified copy of deposition of victim, if obtained, before the trial court for making necessary redaction in the Form of deposition.

Let the copy of evidence of victim submitted be kept in a sealed envelope.

The application for bail being **CRM (DB) 1084 of 2025** stands dismissed.

Let a copy of this order be forwarded to the learned trial court for information and necessary compliance.

(Bivas Pattanayak, J.)