

20.05.2025
Item no.12(DL)
Court No.39
Sws.M
(Rejected)

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

C.R.M.(DB) 1086 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 arising out of Haridevpur Police Station Case No.96 of 2016vdated 22.02.2016 under Sections 364Q, 377,302,201 of the Indian Penal Code and Section 6 of the POCSO Act 2013 pending before learned Judge, Special Court & 2nd Additional Sessions Judge, Alipore, South 24 Parganas, as Special ST 11(06) 16.

And

In Re : Subhasish Das

.... Petitioner

Mr. Deepak Prahladka
Ms. Reshmi Khatun

...for the Petitioner.

Mr. Antrikhya Basu
Mr. Subhasish Datta

... for the State.

Service report filed by the State is kept on record.

Learned Advocate for the petitioner submits that the case of the prosecution is based on the circumstantial evidence. There is no eye-witness to the occurrence. The petitioner is in custody for more than nine years, without there being considerable progress in the trial. He seeks for enlargement of the petitioner on bail on the ground of considerable detention. In support of his contention, he relies on the decisions of this Court passed in ***Jamaluddin @ Jamal, CRM (DB) 941 of 2024*** and ***Ispinder Molla @ Sahjahan Molla, CRM (DB) 403 of 2025.***

Learned Advocate for the State opposes the prayer for bail and submits that the trial is in progress. Ten witnesses have been examined and rest ten witnesses will be examined in

course of 8/10 months. The petitioner abducted the minor son of the complainant, sodomized him and thereafter strangled the minor to death which would be evident from the post-mortem report. The abduction was done by the petitioner for the sake of ransom. The Investigating Agency during the investigation has collected the call data registrar which will show that calls have been made to the mobile number of the complainant by the present petitioner. The slippers and half-pant of the child was recovered from the rented house of the petitioner. He seeks for dismissal of the bail application.

Perused the case diary and the materials on record.

The materials on record shows that there are serious allegations against the petitioner of unnatural and penetrative sexual offence upon a minor victim. There are marks of injuries noted on the body of the minor victim (deceased) including tear bruises in the anus in the PM report. The death of the victim was due to throttling around neck. Considering such materials as indicated above and the nature and gravity of the offence, I am not inclined to grant bail to the petitioners.

The decisions in *Jamaluddin @ Jamal (supra)* and *Ispinder Molla @ Sahjahan Molla (supra)* are distinguishable in facts.

It is made clear that the observations made herein above is for the sake of disposal of the bail application.

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

However, bearing in mind the fundamental right of the petitioner for expeditious trial, the learned Trial Court is directed

to expedite the trial and conclude the same at an early date without granting unnecessary adjournments.

Prosecution is directed to produce the remaining witnesses before the Trial Court as per schedule for examination of witnesses.

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

The application for bail being ***CRM (DB) 1086 of 2025*** stands dismissed.

(Bivas Pattanayak, J.)