

04.07.2025
Item no.6
Court No.42
ss
(Dismissed)

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

C.R.M.(DB) 1116 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 Special
Case No.112 of 2024 arising out of Maheshtala Police Station
Case No.158 of 2024 dated 02.04.2024 under Sections 376(2)(n)
of the Indian Penal Code and Section 6 of the POCSO Act and
adding Section 201/506 of the Indian Penal Code and under
Section 17 of the POCSO Act pending before the learned Judge,
Special Court, 2nd Additional Sessions Judge, Alipore.

-And-

n the matter of : Debabrata Kundu @ Mintu Kundu
... Petitioner

Mr. Ayan Basu, Sr.Adv.
Mr. Tanmoy Biswas
Ms. Antara Mukherjee

...for the petitioner

Ms. Minoti Gomes
Mr. Abhishek Verma

...for the State

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

Learned Advocate for the petitioner submits that though
the victim has alleged of repeated sexual assault and pregnancy,
but the medical report does not support the fact of pregnancy of
the victim. Therefore, the case of the prosecution is totally
baseless. The petitioner is in custody for 1 year and 3 months
without charge having been framed as yet. He seeks for
enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the
State submits that there are specific allegations against the
petitioner of sexual assault upon the victim resulting in her

pregnancy, which was terminated. He seeks for dismissal of the bail application.

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

Perused the case diary and materials on record.

As per the statement of the victim under Section 164 of the Cr.P.C. there are specific allegations of sexual assault against this petitioner resulting in her pregnancy. The medical report shows that the victim has been admitted to the hospital and there are evidence of conception. 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 application for bail being **CRM (DB) 1116 of 2025** stands dismissed.

(Bivas Pattanayak, J.)