

17.04.2025
Item no.1
Court No.39
Srm
(Rejected)

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

C.R.M.(M) 24 of 2025

In Re:- An application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 corresponding to erstwhile
Section 439 of the Code of Criminal Procedure, 1973 in
connection with Bidhannagar Women Police Station Case
No.09/2024 dated 09.04.2024 under Sections
376/323/506/509/34 of the Indian Penal Code and Section 6 of
the Protection of Children from Sexual Offences Act, 2012;
And

In Re : Sk Shoaib

.... Petitioner

Mr. S. Mandal,
Mr. S.C. Dhara,
Mr. A. Dan

...for the Petitioner

Ms. Baisali Basu,
Ms. Baishakhi Chatterjee

... for the State.

Mr. Sourav Bhattacharyya

...for the *de facto* complainant.

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

Service report filed by the State is also taken on record.

Learned Advocate for the petitioner submits that the
petitioner and the victim were previously acquainted with each
other and out of grudge the petitioner has been falsely
implicated in this case. Previously also the victim lodged
complaint before the Beniapukur Police Station alleging of
outrage of modesty by the petitioner. There are several cases
filed at the instance of the victim which are baseless. He further

indicates that the victim has refused to undergo medical examination. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the *de facto* complainant submits that continuous threats and intimidations are being made upon the victim and her family members by the family members of the petitioner. The victim after the incident was blackmailed and was forced to transfer money to the family members of the petitioner. in light of the above, he seeks for dismissal of the application.

Learned Advocate for the State, opposing the prayer for bail, submits that as per statement of the victim there are serious allegations against the petitioner of his involvement of sexual assault upon the victim and also of threatening and blackmailing the victim over a video of the occurrence taken by the petitioner. She also indicates that victim was forced to transfer huge sum of money to the account of the petitioner. She seeks that bail prayer should be rejected.

Perused the case diary and the materials on record.

It is found from the statement of the victim that she was offered cold drinks by the petitioner and upon drinking the same she became semiconscious and thereafter she was taken to a hotel where the petitioner committed sexual assault upon her which has also been videographed. There are also allegations of threats and blackmailing against the petitioner and of coercing the victim to transfer money. The materials show that a considerable amount has been transferred.

Considering the above materials and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

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

The application for bail being **CRM (M) 24 of 2025** stands dismissed.

(Bivas Pattanayak, J.)