

24.04.2025
Item No.04.
Daily List
Court No.39
Mithun
(Rejected)

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

CRM (M) 2 of 2025

In re : An Application for bail under section 439 of the Code of Criminal Procedure 1973/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Chinsurah Women Police Station Case No.04 of 2021 dated 25.01.2021 under sections 376AB/506 of the Indian Penal Code read with Section 6/9(m) of the Protection of Children from Sexual Offences Act arising out of Sessions Trial (Special) No.17 of 2022 and Sessions Case (Special) No.06 of 2021.

-And-

In the matter of : Bipul Biswas

... Petitioner

Mr. Himanshu De, Ld. Sr. Adv.,
Mr. Ansuman Bera,
Mr. Subrata Bhattacharya

...for the petitioner

Ms. Rituparna Ghosh

...for the *de facto* complainant

Mr. Rudradipta Nandy,
Md. Kutubuddin

... ...for the State

Learned Advocate for the petitioner submits that the petitioner was granted bail by the Trial Court on 28th June, 2022. However, on 19th February, 2025 the said bail was cancelled taking into consideration the previous rejection by this Hon'ble Court and the aspects of threatening of witnesses. He candidly submits that the matter of rejection of the bail prayer of the petitioner by this Court was not brought to the notice of the Trial Court by the conducting Advocate of the petitioner and,

therefore, the petitioner cannot be held responsible for the same. Further there are no *iota* of materials to show that the witnesses are being threatened. The petitioner is in custody for 2 years and only 3 witnesses out of 23 charge-sheeted witnesses have been examined till date. There are no such injuries sustained by the victim. He seeks for enlargement of the petitioner on bail. He files a certified copy of the bail application before the Trial Court which is taken on record.

Learned Advocate for the State opposing such prayer submits that there has been purposive suppression by the petitioner of the previous orders of rejection of the bail prayer of the Hon'ble Court before the trial court during consideration of the bail application by it. The statement of the victim girl, aged about 6 years as well as other witnesses implicates the petitioner which has also been deposed in Court. She seeks for dismissal of the bail application.

Learned Advocate representing the *de facto* complainant submits that there has been continuous threat from the side of the petitioner upon the family members of the victim. She also seeks for dismissal of the bail application.

Perused the case diary and the materials on record.

It is found that vide order no.6 dated 28th June, 2022 this petitioner was granted bail by the learned trial court. However, subsequent thereto, the Investigating Officer filed an application on 26th July, 2023 disclosing the fact that the bail application of the petitioner was rejected twice in CRM 3448 of 2021 and in

CRM 7266 of 2021 and the bail was cancelled on 19th February, 2025. Upon going through the bail applications filed by the petitioner before the Trial Court, it is found that it has been stated that he did not put up any bail application under 438/439 before the Trial court or before the Hon'ble High Court or any other Court of law in India save and except the petition. The said aspect clearly manifest that there is suppression of fact of the previous orders of rejection of the Hon'ble Court.

The victim in the present case is a 6 year old girl child. In her statement before the Magistrate as well as before the Court during her examination, she has categorically stated of the overt act of sexual assault committed by the petitioner.

Considering the above materials and nature and gravity of the offence, I am not inclined to enlarge the petitioner on bail.

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

The application for bail being **CRM(M) 2 of 2025** stands dismissed.

The Trial Court is directed to expedite the trial and conclude the same at an early date.

(Bivas Pattanayak, J.)