

23.04.2025
Item No.05.
Daily List
Court No.39
Mithun
(Rejected)

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

CRM (M) 44 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 Domkal Police Station Case No.274 of 2023 dated 29.04.2023 under Sections 376(A) of the Indian Penal Code, 1860 and under Section 6 of the Protection of Children from Sexual Offences Act, 2012 subsequently charge sheet has been submitted under Sections 341/323/376DA/506 of the Indian Penal Code, 1860 and under Section 6 of the Protection of Children from Sexual Offences Act, 2012 corresponding to case no.C. Spl, 44 of 2023
-And-

**In the matter of : Sanowar Hossain @ Sanowar Malitha @
Sanuyar Hossain**

... Petitioner

Mr. Arnab Chatterjee,
Ms. Poulami Bose

...for the petitioner

Ms. Sudeshna Das

...for *de facto* complainant

Ms. Sujata Das,
Mr. Bikram Mitra

... ...for the State

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

State files service report along with status report which is also taken on record.

Learned Advocate for the petitioner submits that at the first instance before the Doctor, this petitioner was not named.

In her statement under Section 161 of the Cr.P.C., the victim alleges against the petitioner of an attempt to cause such offence. Since the principal accused is declared as juvenile, the victim subsequently implicates this petitioner in her statement before the Magistrate in contradiction to her earlier statement made before the Investigating Agency. Thus, the materials on record clearly suggest that there is false implication upon the petitioner in the alleged offence. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State opposing such prayer submits that the victim in her statement before the Magistrate has categorically implicated this petitioner. Since the victim due to injury sustained in the incident was hospitalized, as such she could make her statement before the Magistrate only after her discharge on 12th May, 2023. Thus, the ground of false implication of the petitioner does not arise at all. She seeks for dismissal of the bail application.

Similarly, learned Advocate representing the *de facto* complainant also submits that the victim sustained severe injuries in the said incident and had to be hospitalized. She also seeks for dismissal of the bail application.

Perused the case diary and the materials on record.

In her statement before the Magistrate, the victim has made serious allegation against the petitioner. It is a fact that the victim named one person '*Moni*' before the attending doctor. However, one cannot be oblivious to the fact that she also

indicated three persons to be involved in commissioning sexual assault upon her. The medical examination report shows profuse bleeding vagina which had to be repaired. The discharge summary also shows that the victim was admitted to the hospital on 29th April, 2023 and discharged on 12th May, 2023 and during such period she undergone repair of the vagina. 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) 44 of 2025** stands dismissed.

(Bivas Pattanayak, J.)