

13.05.2025
Item no.2
Court No.39
ss
(Dismissed)

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

C.R.M.(M) 122 of 2025

In Re:- An Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliganj Police Station Case No.700 of 2024 dated 15.8.2024 under Section 65(2) of the Bhartiya Nyay Sanhita and Section 6 of the Protection of Children from Sexual Offences Act, 2012 pending before the learned Judge, Special Court under the POCSO Act, at Krishnagar, Nadia in connection with POCSO Case No.89 of 2024.

-And-

In Re : XXX

... Petitioner

Mr. Habibur Rahaman

Mr. Archisman Singh

...for the petitioner

Mr. Rudradipta Nandi, Ld. APP

Mr. Tirupati Mukherjee

...for the State

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

Learned Advocate for the petitioner submits that the petitioner has been falsely implicated in this case. The victim did not implicate the petitioner in her statement recorded before the lady Sub-Inspector. There are no such notable injuries. The petitioner is in custody for 251 days. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State opposes such prayer for bail of the petitioner and submits that the statement of the victim implicates the petitioner, which is supported by medical examination report. He seeks for dismissal of the application for bail.

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

Perused the case diary and materials on record.

The victim is aged about 3½ years at the time of incident. The statement of the victim before the Magistrate clearly implicates the petitioner. The medical examination report is supportive of the statement of the victim. Considering the above materials and the nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

Accordingly, the bail prayer 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 parties are directed to cooperate in the trial during examination of the witnesses.

Parties are at liberty to communicate this order to the learned trial court.

The application for bail being **CRM (M) 122 of 2025** stands dismissed.

(Bivas Pattanayak, J.)