

06.05.2025  
Item no.6  
Court No.39  
ss  
(Dismissed)

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

**C.R.M.(M) 89 of 2025**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Amdanga Police Station Case No.534 of 2023 dated 17.09.2023 under Section 377 of Indian Penal Code and under Sections 06 of the Protection of Child from Sexual Offences Act, 2012, pending before the learned Special Judge (POCSO Court In Charge), Barasat, North 24-Parganas in connection with S.T. Case No.04(12) 2023 SPL Case No.160/23.

And

In Re : XXXX alias XXXX

.... Petitioner

Mr. Angshuman Chakraborty  
Mr. S. S. Saha

....for the petitioner

Mr. Kaushik Biswas  
Mr. Tirupati Mukherjee

..... for the State

Ms. Tannistha Bandyopadhyay  
... for the *de facto* complainant

Learned Advocate for the petitioner submits that previously the bail prayer of the petitioner was rejected and it was submitted on behalf of the prosecution that prosecution witnesses will be examined within a span of three months. However, not a single witness has been examined by the prosecution after passing of such order by this Court. Liberty was granted to the petitioner to renew his prayer for bail in the event trial is not concluded within a span of three months. The petitioner is in custody for 1 year 7 months without there being progress in trial. He seeks for enlargement of the petitioner on bail.

The Investigating Officer is present in Court as per direction of this Court dated 2<sup>nd</sup> May, 2025.

State files a report, which is taken on record.

Learned Advocate for the State submits that the allegation against the petitioner is grave. However, he concedes that after passing order by this Court no such witnesses have been examined. He seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant opposes such prayer for bail.

Perused the case diary and materials on record.

The victim at the time of incident was 7 years of age. The statement of the victim clearly implicates the petitioner of his involvement in penetrative sexual assault which has also been deposed by the victim. The offence is grave one. 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 is rejected.

However, from the order passed in CRM (DB) 3437 of 2024, it appears that a submission from the side of the prosecution was advanced that the trial is expected to be concluded within three months. Record reveals that no such witnesses have been examined after such date.

Accordingly, learned trial court is directed to expedite and conclude the trial at an early date without granting any unnecessary adjournment to either of the parties.

The prosecution is directed to take appropriate steps for ensuring attendance of the witnesses as per schedule fixed by the trial court for the examination.

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

The personal appearance of the investigating officer is dispensed with.

The application for bail being **CRM (M) 89 of 2025** stands dismissed.

**(Bivas Pattanayak, J.)**