

23.04.2025  
Item no.3  
Court No.39  
srm  
(Rejected)

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

**C.R.M.(M) 23 of 2025**

In Re:- An application for bail under Section 483 of Bharatiya  
Nagarik Suraksha Sanhita, 2023/corresponding to Section 439  
of the Criminal Procedure Code, 1973 in connection with  
Serampore Women Police Station Case No.37/2022 dated  
05.07.2022 under Section 376(A)(B) of the Indian Penal Code  
read with Sections 3/4 of the Protection of Children from Sexual  
Offences Act, 2012;

And

In Re : Kanai Sil

.... Petitioner

Mr. Sabyasachi Chatterjee,  
Mr. Kiran Sk,  
Mr. Aritra Ghosh,  
Ms. Monalisha Sinha

...for the Petitioner

Ms. Sonali Das,  
Mr. Subhasish Datta

... for the State.

Mr. Ahin Jana,  
Mr. Prosenjit Ghosh,  
Mr. Bhaskar Dalui,  
Ms. Chetna Rustagi

...for the *de facto* complainant.

Learned Advocate for the petitioner submits that the  
materials on records does not attract the offences under Section  
6 of the POCSO Act containing aggravated penetrative sexual  
assault. The petitioner is in custody for 33 months without  
considerable progress in the trial. The medical evidence does not  
suggest of any insertion. He seeks for enlargement of the  
petitioner on bail.

Learned Advocate for the State submits that victim is only aged about two and half years and she has categorically stated of the overt act of the petitioner in her statement before the Magistrate as well as deposition in court. She also informs the Court that four out of thirteen witnesses have already been examined and further examination of witnesses is scheduled in the month of June, 2025. She seeks for dismissal of the application.

Learned Advocate for the *de facto* complainant indicates that the offence as alleged is squarely covered under Section 6 of the POCSO Act. The victim is below 12 years and any penetrative sexual assault upon a child below 12 years amounts to aggravated penetrative sexual offence. The victim has categorically stated of such sexual assault upon her by the petitioner during investigation before the Magistrate as well as during her examination in court. The medical report is supportive of such statement showing abrasion of the vaginal forchette. He also seeks for dismissal of the application.

Perused the case diary and the materials on record.

From the statement of the victim, it is found that she implicates the petitioner of his involvement in the alleged offence which is also stated by her in her deposition in court. The victim at the time of incident was aged about two and half years. The medical examination report of the child shows that there is small abrasion at the vaginal forchette. Considering the aforesaid materials and the nature and 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 learned trial court is directed to expedite the trial and conclude the same at an early date without granting unnecessary adjournments.

The application for bail being **CRM (M) 23 of 2025** stands dismissed.

**(Bivas Pattanayak, J.)**