

29.04.2025
Item no.6
Court No.39
srm
(Rejected)

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

C.R.M.(M) 104 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
Bharatpur Police Station Case No.54/2023 dated 20.02.2023
under Sections 363/365 of the Indian Penal Code adding
Sections 376(3)/302/201 of the Indian Penal Code and Section
6 of the Protection of Children from Sexual Offences Act, 2012;
And

In Re : Binod Mondal

.... Petitioner

Mr. Manas Kumar Das,
Mr. Aritra Kumar Thokdar

...for the Petitioner.

Mr. Saibal Bapuli,
Ms. Rita Datta

... for the State.

Ms. Karabi Roy

...for the *de facto* complainant.

Service report along with status report and copy of the
deposition of witness filed by the State are taken on record.

Learned Advocate for the petitioner submits that initially
the case was initiated against one Mahadeb Sarkar. However,
upon completion of investigation the said Mahadeb Sarkar has
been discharged and charge sheet has been submitted against
the present petitioner. None of the witnesses implicates the
petitioner. The entire case of the prosecution is based on
circumstantial evidence. The petitioner is in custody for two
years four months without considerable progress in trial. He
seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, the learned Advocate for the State submits that on the fateful night the petitioner was seen near the place of occurrence and the victim was following her. Subsequently, the body of the victim as well as the wearing apparels was recovered besides a river. The chain of events clearly implicates the petitioner. He informs that prosecution will be examining 13 more witnesses and schedule has been fixed on 15th May, 2025 and 16th May, 2025.

Perused the case diary and the materials on record.

The statements of the witnesses disclose that the victim went to meet Mahadeb Sarkar. She left for her residence after meeting him. The statement of the witnesses further shows that the petitioner was seen going towards the place of occurrence followed by the victim. The wearing apparels along with bag, books was recovered as per the statement of the petitioner. Considering the aforesaid materials and the gravity of the offence, I am not inclined to granted bail to the petitioner.

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

As per the status report, 13 witnesses have been examined out of 38 witnesses. It is informed by the State that 13 more witnesses will be examined on behalf of the prosecution.

Accordingly, learned trial court is directed to expedite the trial and conclude the same at an early date.

The application for bail being **CRM (M) 104 of 2025** stands dismissed.

(Bivas Pattanayak, J.)