

28.04.2025
Item No.4.
Daily List
Court No.39
Mithun
(Rejected)

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

CRM (M) 117 of 2025

In re : An Application under Section 439 of the Criminal Procedure Code, 1973 corresponding to under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with C-SPL-50 of 2020 corresponding to Berhampore Police Station Case No.620 of 2020 dated 29.06.2020 under sections 376/370/372/373/34 of the Indian Penal Code and Sections 3/4/5/7 of I.T.P.A., 1956 and Sections 4/8/12/17 of the Protection of Children from Sexual Offences (POCSO) Act and Section 75 of the J.J. Act.

-And-

In the matter of : Imam Sk

... Petitioner

Mr. Rajdeep Majumdar, Sr. Adv.
Ms. Arushi Rathore

...for the petitioner

Mr. Rameshwar Sinha,
Mr. Zoethan Pui Varte

...for the *de facto*/Survivors.

Mr. Bitashok Banerjee,
Mr. S. Kundu

... for the State

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

Learned Senior Advocate for the petitioner submits that the petitioner stands on the same footing with that of Arman Sk @ Arman Sekh who has been enlarged on interim bail by this Hon'ble Court. He also indicates that the Investigating Officer on

four occasions failed to appear to adduce his evidence before the Trial court. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that this petitioner absconded for 2½ years and considering the aforesaid aspect, the bail prayer of the petitioner was rejected on 24th February, 2025 in CRM (DB) 4256 of 2024. He also informs the Court that only one witness is left to be examined, which is scheduled on 19th May, 2025.

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

Perused the Case Diary and materials on record.

It is found that the petitioner absconded for a period of 2 years 5 months from the date of submission of charge-sheet. Thus, the petitioner does not stand on the same footing as of Arman Sk @ Arman Sekh. The petitioner has been implicated in penetrative sexual assault of minor and rape as also offences under the Immoral Traffic (Prevention) Act, 1956. The trial is at the fag end as has been informed by the learned Advocate for the State. 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) 117 of 2025** stands dismissed.

Prosecution is directed to produce the witness for examination before the learned Trial Court scheduled to be held on 19th May, 2025.

Parties shall cooperate in the learned Trial Court for examination of the Investigating Officer.

(Bivas Pattanayak, J.)