

02.05.2025
Item No.02.
Daily List
Court No.39
Mithun
(Rejected)

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

CRM (M) 160 of 2025

In re : An Application under Section 439 of the Code of Criminal Procedure, 1973/ under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Criminal Miscellaneous Case No.235 of 2025 arising out of Special T.R. Case No.110 of 2023 arising out of Jagatballavpur Police Station Case No.172 of 2023 dated 08.07.2023 under Section 376AB of the Indian Penal Code, 1973 read with under Section 6 of the Protection of Children from Sexual Offences Act rejecting the prayer for bail of the petitioner.

-And-

In the matter of : Uttam Majhi

... Petitioner

Mr. Mrityunjoy Chatterjee,
Mr. Akash Sarkar

...for the petitioner

Mr. Soumya Basu Roy Chowdhuri

...for the *de facto* complainant

Mr. Partha Pratim Das,
Ms. Ankita Paul

... ...for the State

Status report filed on behalf of the State is taken on record.

Learned Advocate for the petitioner submits that already the vulnerable witnesses have been examined and the petitioner is in custody for more than one year. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State opposes such prayer for bail and submits that the victim at the time of incident was aged

4 years and she has implicated this petitioner of his involvement in penetrative sexual assault. The medical report is supportive of such fact. He seeks for dismissal of the bail application.

Similar submission is also advanced on behalf of the *de facto* complainant who opposes the prayer for bail.

Perused the Case Diary and materials on record.

Victim was aged 4 years at the time of incident. Statement of the victim clearly implicates the petitioner of penetrative sexual assault. The medical report also shows bleeding from vagina. 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 Trial Court is directed to expedite the trial and conclude the same at an early date.

Parties are directed to cooperate in trial at the time of examination of the witnesses.

Parties are at liberty to communicate this order to the learned Trial Court.

The application for bail being **CRM(M) 160 of 2025** stands dismissed.

(Bivas Pattanayak, J.)