

07.05.2025
Item no.4
Court No.39
ss
(Dismissed)

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

C.R.M.(M) 173 of 2025

In Re:- An Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the Criminal Procedure Code, 1973 in connection with New Town Police Station Case No.268/23 dated 28.08.2023 under Section 363/365/34 of the Indian Penal Code and Charge sheet submitted under Sections 341/363/323/506/34 of the Indian Penal Code and adding Section 06 of the Protection of Children from Sexual Offences Act, pending before the learned Judge, Special POCSO Court, Barasat, North 24-Parghanas in connection with POCSO 148/23, ST Case No.02(06) 2024.

-And-

In Re : Kamal Choudhury alias Kamal Chowdhury
... Petitioner

Mr. Angshuman Chakraborty,
Mr. Shashanka Shekhar Saha
...for the petitioner

Mr. Ranadeb Sengupta,
Mr. Atanu Ghosh
... ..for the State

Service report along with status report filed on behalf of the State is taken on record.

Learned Advocate for the petitioner submits that the petitioner is in custody for 1 year 10 months without there being considerable progress in trial. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State opposes such prayer for bail and submits that the statement of the victim clearly implicates the petitioner of forcible sexual intercourse, which is also supported by medical report. He further informs that the

prosecution will examine three more witnesses. He seeks for dismissal of the bail application.

Despite service none appears on behalf of the *de facto* complainant.

Perused the case diary and materials on record.

The statement of the victim implicates the petitioner of involvement in forcible sexual intercourse, which is supported by the medical examination report. 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.

Status report shows that four out of seven witnesses have already been examined and three more witnesses remain to be examined on behalf of the prosecution.

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

The prosecution is directed to produce witnesses as per schedule fixed by trial court for examination of witnesses.

The parties are directed to cooperate in the trial for examination of the witnesses.

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

The application for bail being **CRM (M) 173 of 2025** stands dismissed.

(Bivas Pattanayak, J.)