

08.05.2025
Item No.07.
Daily List
Court No.39
Mithun
(Rejected)

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

CRM (M) 179 of 2025

In re : An Application under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 corresponding to Section 439
of the Code of Criminal Procedure, 1973 in connection with
Sagar Police Station Case No.53 of 2022 dated 04.03.2022
under Section 376(A)(B)/506 of the Indian Penal Code and
under Section 6 of the Protection of Children from Sexual
Offences Act, 2012 arising out Special POCSO Case No.11 of
2022, and Special Sessions Trial 08(05)2022, thereby the
rejecting the prayer for bail of the petitioner in connection with
aforesaid case, presently pending before the learned Additional
District & Sessions Judge, 1st Court & Special Court, under
Protection of Children from Sexual Offences Act at Kakdwip,
South 24-Parganas.

-And-

In the matter of : Sk Sakib @ Sk Sakir

... Petitioner

Mr. Niladrisekhar Ghosh,
Mr. Partha Sarathi Mandol,
Mrs. Riya Paul

...for the petitioner

Ms. Afreen Begum

...for the *de facto* complainant

Mr. S.S. Imam,
Ms. Rita Datta

... ...for the State

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

Learned Advocate for the petitioner submits that while
rejecting the prayer for bail in CRM (DB) 1662 of 2024, the

prosecution was directed to conclude the examination of the witnesses within a period of 8 months from the next date fixed for recording evidence. However, no witnesses have been examined during such period. He seeks for enlargement of the petitioner on bail on the ground of delay in progress of trial.

Learned Advocate for the State submits that only two witnesses remain to be examined and next date is fixed on 21st May, 2025 for examination of the rest witnesses. The victim has implicated the petitioner in her statement before the Magistrate. He seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant submits that the petitioner has not communicated the previous order of this Court to the learned Trial Court. The allegations are grave. She seeks for dismissal of the bail application.

Perused the Case Diary and materials on record.

The victim at the time of incident was aged 8-years. The victim implicates this petitioner in her statement under Section 164 Cr.P.C. which is grave one. 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.

It is found that previously there was a direction to expedite the trial and conclude the examination of witnesses within 8 months from the next date fixed for recording evidence. The prosecution has not concluded the examination of witnesses.

In view of the above, the Trial Court is directed to expedite the trial to the fullest and conclude the same at an early date without granting unnecessary adjournments.

It is informed by the prosecution that only two witnesses remain to be examined and date is fixed on 21st May, 2025.

Prosecution is directed to produce remaining two witnesses for recording their evidence before the trial court.

Parties are directed to co-operate 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) 179 of 2025** stands dismissed.

(Bivas Pattanayak, J.)