

19.05.2025
Item no.6
Court No.39
ss
(rejected)

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

CRM (M) 324 of 2025

In re : An Application under Section 439 of the Code of Criminal Procedure, 1973/ Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Baranagar Police Station Case No.478 of 2024 dated 18th November, 2024 under Section 6 of the Protection of Children from Sexual Offences Act, 2012 corresponding to POCSO Case No.285 of 2024 pending before the learned Additional District and Sessions Judge, 1st Court and Special Court under POCSO Act, Barrackpore, North 24 Parganas.

-And-

In Re : Asan Sardar @ Sk. Sanaullah @ Hafiz Sanaulla
... Petitioner

Mr. Nilanjan Adhikari,
Mr. Nitin Sharma
Ms. Oindrila Sinha

...for the petitioner

Ms. Sreyashee Biswas,
Ms. Mamata Jana

... ..for the State

Ms. Rituparna Ghosh

... for the *de facto* complainant

Learned Advocate for the petitioner submits that there is delay in lodgement of FIR. Upon completion of investigation, charge-sheet has been submitted in this case. The petitioner is in custody for 165 days. However, there is no progress in trial since framing of charge in the month of March, 2025. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the victim boy clearly implicates the petitioner which is also supported by the medical examination report. Further, due to non-engagement of the lawyer on behalf of the accused, the trial is being delayed. She informs this Court

that one out of fourteen witnesses has already been examined and 19th June, 2025 is the next date fixed for examination of the victim boy. She seeks for dismissal of the application for bail.

Similar submission is also advanced on behalf of the *de facto* complainant.

Perused the case diary and materials on record.

The victim boy at the time of incident was 12 years of age. The victim in his statement before the Magistrate clearly implicates the petitioner of his involvement in the alleged offence, which has also been stated by him during medical examination before the attending doctor. Considering the above materials and the nature and gravity of the offence, I am not inclined to grant bail to the petitioner.

Accordingly, the bail prayer of the petitioner is rejected.

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

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

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

The application for bail being **CRM(M) 324 of 2025** stands dismissed.

(Bivas Pattanayak, J.)