

07.05.2025
Court No.39
Item No.12
Ab
(Rejected)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (M) 279 of 2025

In Re:- An application for bail under Section 483 of the of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 23.04.2025 in connection with Barasat Police Station Case No. 740 of 2024 dated 23.12.2024 under Section 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023 read with Section 6 of the Protection of Children from Sexual Offences Act, 2012;

And

In the matter of : **Sanjoy Chandra Mondal @ Sanjoy Mondal**
...Petitioner.

Mr. Ranadeb Sengupta,
Mr. Saurav Bishnu.

...For the Petitioner.

Ms. Sayanti Santra,
Mr. Akash Ganguly.

...For the State.

Mr. Souma Subhro Ray,
Mr. Pradip Hari,
Ms. Neelam Kumari.

...For the *de facto* complainant.

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

The State files service report, which is also taken on record.

Learned Advocate for the petitioner submits that the family of the victim and the petitioner are neighbours in the same housing complex. Out of previous dispute and animosity, the petitioner has been falsely implicated in this case. As per the prosecution case, last date of alleged sexual assault is in the month of October 2024, whereas the FIR has been submitted in December 2024, hence there is unexplained delay in lodgment of the FIR. The Medical Examination

Report does not show any sort of injury. The petitioner is in custody for 136 days. Upon completion of investigation, the charge-sheet has already been submitted. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State submits that the statement of the victim clearly indicates the petitioner of forcible sexual assault upon the victim. Due to mental trauma resulting from such overt act of the petitioner, the victim tried to commit suicide, which is supported by medical evidence. The statement of the other witnesses also implicates the petitioner. She seeks for dismissal of the bail application.

Learned Advocate for the de facto complainant submits that the victim was sexually assaulted for a considerable period of time by the petitioner, which is evident from the statements of the witnesses. The victim tried to commit suicide due to such act of the petitioner. In the light of the above, she also seeks for dismissal of the bail application.

Perused the case diary and the materials on record.

The statement of the victim implicates the petitioner of such sexual assault upon her. There might be delay in lodgment of the FIR, which may result due to varied reasons, which may not falsify the prosecution case. The absence of injury in the medical report does not improbabilize statement of the victim, which clearly implicates the petitioner of sexual assault. The Medical Report of the victim at page 99 of the case diary also shows that the victim was treated in the hospital for consuming Lizol. Considering such materials and the

gravity of the offence, I am not inclined to grant bail to the petitioner.

Accordingly, the bail prayer is rejected.

The application for bail being CRM 279 of 2025 is, thus, dismissed.

(Bivas Pattanayak, J.)