

02.07.2025
Item no.5
Court No.42
ss
(Rejected)

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

C.R.M.(M) 511 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure 1973 read with Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 arising out of Hanskhali Police Station Case No.185 of 2024 dated March 14, 2024 under Section 376(ii)(N)/376(iii)/506 of the Indian Penal Code, 1860 adding Section 376(D) of the Indian Penal Code, 1860 and Section 6/10 of Protection of Children from Sexual Offences Act, 2012 corresponding to G.R. Case No.20 of 2024 pending before the Court of the Learned Additional District & Sessions Judge, Special Court(POCSO) Ranaghat, Nadia.

In Re : Lablu Munirishi

.... Petitioner

Mr. Sananda Bhattacharyya
Mr. Asraf Sk.

...for the Petitioner.

Mr. Pravash Bhattacharya
Ms. Diksha Ghosh

...for the State.

Mr. Rameshwar Sinha
Ms. Zoethan Pui Varte

... for the *de facto* complainant.

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

Learned Advocate for the petitioner submits that there is discrepancy in the date of occurrence as revealing from the F.I.R. vis-à-vis the evidence adduced before the Court. The entire prosecution case is baseless. The petitioner has not been intimated the ground of arrest. There is considerable delay in lodgement of the F.I.R. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State, at the outset, submits that the examination of witnesses

have already been concluded and 16th August, 2025 is the date fixed for examination of the accused person under Section 313 Cr.P.C. He also indicates that the victim has categorically implicated this petitioner in her evidence. He seeks for dismissal of the application for bail.

Learned Advocate appearing on behalf of the *de facto* complainant also seeks for dismissal of the bail application.

Perused the case diary and materials on record.

It is found from the evidence of the minor victim that she has categorically implicated this petitioner of his involvement in the alleged offence. Considering the materials as indicated above and the nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

Accordingly, the bail prayer of the petitioner is rejected.

So far as aspect of the intimating the grounds of arrest to the accused is concerned, the question whether in all cases the grounds of arrest are to be informed is under consideration before the Hon'ble Supreme Court in ***Mihir Rajesh Shah - versus- The State of Maharashtra & Anr [Special Leave to Appeal (Crl) No. 17132/2024]***, the decision of which is reserved by the Hon'ble Supreme Court. As such, this Court recuse from making any observation in this regard.

It is made clear that observation made hereinabove is only for the sake of disposal of the application.

The application for bail being **CRM(M) 511 of 2025** stands dismissed.

(Bivas Pattanayak, J.)