

22.05.2025
Item no.3
Court No.39
ss
(Rejected)

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

C.R.M.(M) 333 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 Ekbalpore Police Station Case No.39 of 2020 dated 7.2.2020 under Sections 376DA of the Indian Penal Code and under Sections 6/17 of the Protection of Children from Sexual Offences Act, 2012 pending before the Court of the Learned Judge, Special Court cum the learned Additional Sessions Judge, 2nd Court, Alipore, South 24-Parganas in Special Case No.32 of 2020 (Special Sessions Trial No.31(03) of 2021).

In Re : Ritik Ram @ Rittik Ram

.... Petitioner

Mr. Soumya Nag

Mr. Rajdeep Sengupta

...for the Petitioner.

Ms. Sayanti Santra

Ms. Chandreyi Dutta

...for the State.

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

Service report filed by the State is also taken on record.

Learned Advocate for the petitioner submits that the petitioner is languishing in custody for last 5 years without there being considerable progress in trial, which is infraction of his right enshrined under Article 21 of the Constitution of India. To buttress his contention, he relies on the following decisions :

(1) ***Tapas Kumar Palit -versus- State of Chattisgarh,***

reported in ***2025 SCC OnLine SC 322;***

(2) ***Manoj Mal @ Monoj Mal -versus- The State of West***

Bengal & anr., (CRM(M) 181 of 2025);

- (3) ***Singrai Mandi @ Naru and anr. –versus- The State of West Bengal (CRM(DB) 175 of 2025);***
- (4) ***Nowsad Mondal and anr. –versus- The State of West Bengal (CRM(NDPS) 131 of 2025);*** and
- (5) ***Balram Singh –versus- State of Madhya Pradesh,***
reported in ***2016 SCC OnLine MP 275.***

He further indicates that there was no external sign of bruise or scratch found in the victim after the occurrence, upon examination by the attending doctor (PW3) who has also deposed of such aspect in Court, which improbabilises the case of the prosecution of gang rape. He seeks for enlargement of the petitioner on bail.

Opposing such prayer learned Advocate for the State submits that the victim has categorically stated of the involvement of the present petitioner in the offence of gang rape, which has also been stated by her before the Magistrate. The medical examination report is supportive of such statement of the victim. The injuries of the victim have been affirmed by attending doctor, PW-5. She informs the Court that the prosecution intends to examine three more witnesses and 26th June, 2025 is the next date fixed for recording of evidence of prosecution witnesses. She seeks for dismissal of the application for bail.

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

Perused the case diary and materials on record.

The victim in her examination in Court clearly implicates this petitioner, which has also been stated by her before the

Magistrate during investigation. The allegation is of gang rape. The medical document is also supportive of such fact.

In *Tapas Kumar Palit (supra)* the offence is under Unlawful Activities Prevention Act, 1967. The prosecution intended to examine 100 witnesses. The petitioner did not have any antecedents. The *panch* witnesses to recovery *panchanama* turned hostile.

In *Manoj Mal @ Monoj Mal (supra)* only one out of 32 witnesses was examined and on several dates the prosecution failed to produce witnesses.

In *Singrai Mandi @ Naru (supra)* the offence is under Sections 302/201/34 of the IPC and one of the accused was granted interim bail by the learned Sessions Court.

In *Nowsad Mondal (supra)* the offence is under the NDPS Act.

In *Balram Singh (supra)* the offence is under Sections 302/307/148/149 of IPC.

Thus the above decisions cited on behalf of the petitioner are factually distinguishable.

Considering the above materials 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.

However, 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 prosecution is directed to produce the witnesses before the trial court as per schedule fixed for examination of the witnesses.

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

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

The application for bail being **CRM(M) 333 of 2025** stands dismissed.

(Bivas Pattanayak, J.)