

21.05.2025
Item no.5
Court No.39
ss
(Rejected)

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

CRM (M) 326 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 S.T. Case No.12 of 2022 arising out of Moyna Police Station Case No.300 of 2021 dated November 23, 2021 under Section 376(3) of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 giving rise to Sessions Case No.257 of 2021 now pending before the Court of the learned Judge, Special Court (POCSO), Tamluk at Purba Midnapore.

-And-

In Re : Sasanka Das

... Petitioner

Mr. Navanil De,
Mr. Subhrajit Dey

...for the petitioner

Mr. Arijit Ganguly,
Mr. Mujibar Ali Naskar

... for the State

State files FSL report, which is taken on record.

Learned Advocate for the petitioner submits that the petitioner is in custody for last 3 years 6 months without there being any considerable progress in trial. He seeks for enlargement of the petitioner on bail.

Opposing such prayer learned Advocate for the State submits that the victim clearly implicates the petitioner. He also informs that 11 witnesses out of 15 witnesses have already been examined and the next date fixed for examination of witnesses is on 10th June, 2025. He 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 deposition in Court as well as before the Magistrate implicates the petitioner of his involvement in the alleged offence. The victim became pregnant. DNA profiling report shows that as no independent profile could be generated for the foetus 'A', no conclusion could be drawn regarding the paternity. The consequence of such finding may be examined and tested in trial. 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.

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.

Prosecution is directed to produce witnesses on the schedule dates fixed for examination of the witnesses.

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) 326 of 2025** stands dismissed.

(Bivas Pattanayak, J.)