

20.05.2025
Item no.9(DL)
Court No.39
srm
(Rejected)

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

C.R.M.(M) 387 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973/Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with ST Case No.04(07)2024, CIS Registration No.50/24 arising out of Barasat Police Station Case No.226 of 2024 dated 16.04.2024 under Sections 376(3)/506 of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 and charge sheet being number 296 of 2024 dated 22.06.2024 under Sections 376(3)/506/354C/306/511 of the Indian Penal Code, 1860 along with Section 6 of the Protection of Children from Sexual Offences Act, 2012, pending before the learned Judge Special POCSO Court, Barasat, North 24-Parganas;
And

In Re : Bijoy Singh

.... Petitioner

Mr. Nilanjan Adhikari,
Ms. Nitin Sharma

...for the Petitioner.

Ms. Shaila Afrin,
Mr. Sachit Talukdar

... for the State.

Service report filed by the State is taken on record.

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

Learned Advocate for the petitioner submits that there are discrepancies in the statement of the victim *vis-à-vis* the statement of the one of the witnesses, who happens to be her friend, with regard to the manner of occurrence and thus the prosecution case is suspicious and entirely fabricated. Further wrong section has been quoted in the charge sheet which is not

applicable to this case. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State opposes such prayer for bail and submits that the victim has consistently implicated this petitioner of his involvement in the alleged offence. She seeks for dismissal of the application.

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

Perused the case diary and the materials on record.

The victim in her statement before the Magistrate as well as before the court during her examination implicates the petitioner. Inconsistencies and/or discrepancies, if any, as indicated on behalf of the petitioner, may be examined and tested in trial. The trial is in progress. Considering such materials and the nature and gravity of the offence, I am not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

The application for bail being **CRM (M) 387 of 2025** stands dismissed.

(Bivas Pattanayak, J.)