

20.05.2025
Item no.8(DL)
Court No.39
srm
(Rejected)

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

C.R.M.(M) 383 of 2025

In Re:- An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Special POCSO Case No.20/2025 (corresponding to G.R. Case No.848/2025) arising out of Pathar Pratima Police Station Case No.103 of 2025 dated 13.03.2025 under Sections 65(1)/74/351(3) of the Bharatiya Naya Sanhita and Sections 06(1)/08 of the Protection of Children from Sexual Offences Act, 2012, pending before learned Additional District & Sessions Judge, 1st Court and Special Court under Protection of Children from Sexual Offences Act, 2012, Kakdwip, South 24-Parganas;
And

In Re : Shaktipada Dolai @ Bhanu

.... Petitioner

Mr. Sandip Kumar Mondal,
Mr. Mujibar Ali Naskar,
Ms. Riya Das

...for the Petitioner.

Ms. Z.N. Khan,
Mr. Rahul Ganguly

... for the State.

Service report filed by the State is taken on record.

Learned Advocate for the petitioner submits that as per the FIR lodged by the mother of the victim, upon examination of the victim on 25th February, 2025, she was found three months pregnant. The date of occurrence as per the FIR is 27th January, 2025. Therefore, there may not be any occasion of involvement of the petitioner so far as the pregnancy of three months of the victim is concerned. The entire case of the prosecution is baseless. Upon completion of investigation, charge sheet has already been submitted and the petitioner is in custody for 65 days. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State opposes such prayer for bail and submits that there might be some discrepancies in the dates as mentioned in the written complaint, however the statement of the victim clearly implicates the petitioner of his involvement in the sexual assault. The fact of pregnancy is also depicted in the medical examination report. The FSL report has not yet been filed. However, upon receipt of the same, it would be filed before the court by way of supplementary charge sheet. 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 girl in her statement before the Magistrate implicates the petitioner. The medical report shows that the victim became pregnant. There might be some discrepancies in the dates as mentioned in the FIR, however such discrepancies may be examined and tested in trial. 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) 383 of 2025** stands dismissed.

(Bivas Pattanayak, J.)