

23.05.2025  
Item no.4  
Court No.39  
ss  
(Rejected)

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

**C.R.M.(M) 485 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 Malipanchghara Police Station Case No.207 of 2023 dated 25<sup>th</sup> September, 2023 under Section 4 of the Protection of Children from Sexual Offences Act, 2012 corresponding to SPL T.R. 158 of 2023 pending before the Court of the Learned Judge, Special Court(POCSO) at Howrah.

In Re : Somnath Das

.... Petitioner

Mr. Rachit Lakhmani  
Mr. Mohammed Amin  
Mr. Siddhanth Makkar

...for the Petitioner.

Mr. Avishek Sinha  
Mr. Karan Bapuli

...for the State.

Mr. Pawan Kr. Gupta  
Ms. Safia Nesar  
Mr. Santanu Sett

... 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 are glaring inconsistencies in the prosecution case. There is no criminal antecedent of the petitioner who is employed in a cosmetic company. The petitioner had previous love affairs with the mother of the victim, which turned sour. In vengeance to such falling relationship, the petitioner has been falsely implicated in this case. There has been considerable delay of 48 days in lodgement of FIR. The vulnerable witness namely the

victim has already been examined. The medical examination report does not support the prosecution case. The petitioner is in custody for last 9 months. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the victim has consistently implicated the petitioner of his involvement in the alleged offence, which is evident from her statement before the Magistrate as well as deposition in Court. He seeks for dismissal of the application for bail.

Similar submission is advanced on behalf of the *de facto* complainant.

Perused the case diary and materials on record.

The victim at the time of incident was aged about 8 years. She clearly implicates the petitioner of his involvement in the alleged offence, which has also been stated by her in Court during her examination. The delay in lodgement of FIR may be due to various reasons but that does not improbabilise the case of the prosecution. Likewise, the inconsistencies, if any, in the evidence of the prosecution witnesses can well be assessed, examined and tested in trial. 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.

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) 485 of 2025** stands dismissed.

**(Bivas Pattanayak, J.)**