

19.08.2025
Item no.3(DL)
Court No.42
AN
(Rejected)

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

C.R.M.(M) 608 of 2025

In Re: An Application for Bail under Section 439 of Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, in connection with POCSO Case No. 13 of 2023 under Sections 302/376DB/120B/201/34 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act arising out of Nabadwip Police Station Case No. 46 of 2023 dated 29.01.2023 under Sections 302/201 of the Indian Penal Code now pending before the learned Judge, Special Court under POCSO Act (Additional District and Sessions Judge, 2nd Court), Krishnanagar.

-And-

**In the matter of : Somnath Pandit @ Mangal
@ Mangaldip Thandar**

.... Petitioner

Mr. Sumanta Chakraborty,
Ms. Dhimoyee Kundu

...for the Petitioner.

Mr. Arijit Ganguly
Mrs. Manali Roy

...for the State.

1. Petitioner renews his prayer for bail.
2. Service report filed by the State is taken on record.
3. Learned counsel representing the State at the outset submits that the father upon whom the Court directed to serve notice is not found and the notice has been served upon the victim's grand mother.
4. Learned counsel appearing for the petitioner submits that there is no direct clinching evidence against the

petitioner. The case is based on the circumstantial evidence. Two of the co-accused have been granted bail including the mother. The present petitioner stands on the same footing. Further, despite their being direction to conclude the trial within one year, the trial has not progressed considerably. He seeks for enlargement of the petitioner on bail.

5. Opposing such prayer for bail, learned counsel representing the State submits that the statement of the witness would show that just immediate to the occurrence, the petitioner was found with the victim. The post mortem report reveals of several injuries on the victim. The present petitioner does not stand on the same footing as that of the accused persons who have been granted bail. Pursuant to the direction in the earlier bail application on 10.06.2024, six witnesses have been examined on behalf of the Prosecution and trial is in progress. He seeks for dismissal of the bail application.

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

7. Perused the case diary and the materials on record.

8. At the outset vide order dated 10.06.2024, it has been clarified that the present petitioner who has been named by the witnesses in their statement recorded under Section 164 of the Criminal Procedure Code, does not stand on the same footing as of one co-accused Krishna Pandit. The statement of one witness under Section 164 of the Criminal Procedure Code shows that the petitioner interacted with the victim's mother and was seen with the victim. The post mortem

report reveals that there has been several injuries on the victim and the death was due to effect of antemortem injuries, as reported therein. The offence is a heinous one. Further no new ground has been pressed into service. Considering the incriminating materials as indicated above, this Court is not inclined to grant bail to the petitioner.

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

10. It is informed by the learned counsel representing the State that total eight witnesses have already been examined and 28th & 30th August, 2025 has been fixed for further examination of the prosecution witnesses.

11. Accordingly, learned trial court is directed to expedite the trial to the fullest extent and conclude the trial at an early date without granting any unnecessary adjournment to either of the parties.

12. Prosecution is directed to produce the witnesses on the date fixed.

13. Parties are directed to cooperate with the trial court during examination of the witnesses.

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

15. CRM(M) 608 of 2025 stands **dismissed**.

(Bivas Pattanayak, J.)