

18.07.2025
Item no.5
Court No.42
ss
(Dismissed)

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

C.R.M.(M) 633 of 2025

In Re: In Re:- An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the Code of Criminal Procedure in connection with Baishnabnagar Police Station Case No.566 of 2021 dated 16.10.2021 under Sections 363/365 of the Indian Penal Code, 1973 subsequently chargesheeted under Section 363/365/370/34 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 presently pending before the learned Special Judge (POCSO) Act, Malda;

-And-

In Re : Madan Rabidas.

.... Petitioner

Mr. Mrityunjoy Chatterjee
Mr. Arindam Poali
Ms. Suchismita Chakraborty

...for the Petitioner.

Ms. Baisali Basu
Ms. Poulami Bose

...for the State.

Mr. Mit Guha Roy

... for the *de facto* complainant.

Learned Advocate for the petitioner submits that vulnerable witnesses have already been examined. There are no such direct allegations against the petitioner. The petitioner is in custody for 2 years 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 this petitioner and one other. She seeks for dismissal of the bail application.

Learned Advocate representing the *de facto* complainant submits that the victim was taken away by one accused and she was handed over to the present petitioner who committed rape upon her. He seeks for dismissal of the bail application.

Perused the case diary and materials on record.

The victim in her statement as well as during her examination in court implicates the petitioner of commissioning of rape upon her. Considering the above materials and bearing in mind 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 and conclude the trial at an early date without granting any unnecessary adjournment to either of the parties.

The prosecution is directed to produce witnesses as per schedule fixed by the trial court for examination of witnesses.

The parties are directed to cooperate in the trial for examination of the witnesses.

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

The application for bail being **CRM (M) 633 of 2025** stands dismissed.

(Bivas Pattanayak, J.)