

10.07.2025
Item no.12
Court No.42
ss
(Dismissed)

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

C.R.M.(M) 758 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973/ under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Madhyamgram P. S. Case No. 245 of 2022 dated 17.05.2022 under Section 376AB/376(2)(n)/506 of the Indian Penal Code, 1860 read with Section 6 of the POCSO Act, 2012 corresponding to S.T. Case No.25(01) of 2023 now pending before the learned Judge, Special POCSO Court, Barasat, North 24-Parganas.

-And-

In Re : **XXX**

.... Petitioner

Mr. Dipanjan Chatterjee

Mr. Kalyan Kumar Bhattacharyya

Ms. Kakan Das.

...for the Petitioner.

Ms. Sayanti Santra

Ms. Sudeshna Das

...for the State.

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

Service report filed on behalf of the State is also taken on record.

The petitioner renews his prayer for bail.

Learned Advocate for the petitioner submits that despite there being repeated directions for conclusion of trial by the Hon'ble Court, prosecution has not concluded the trial as yet. He seeks for enlargement of the petitioner on bail, who is custody for 3 years 2 months.

Opposing such prayer for bail, learned Advocate for the State submits that the victim implicates the petitioner of his involvement in the alleged offence. Only one witness remains to be examined and 21st July, 2025 is the next date. She seeks for dismissal of the bail application.

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

Perused the case diary and materials on record.

Previously, the bail prayer of this petitioner was rejected on 20th November, 2023 in CRM (DB) 3878 of 2023 and in CRM (DB) 2617 of 2024 which was also dismissed on 19th September, 2024, considering the evidence of the victim which implicated the petitioner of commissioning of rape upon her as well as other witnesses. The trial is on the verge of completion. No fresh ground is made out. In view of above, 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) 758 of 2025** stands dismissed.

(Bivas Pattanayak, J.)