

17.07.2025
Item no.2
Court No.42
ss
(Dismissed)

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

CRM (M) 715 of 2025

In re : An Application Section 483 of the BNSS, 2023 in connection with S.T. (POCSO) No.15(03) of 2025 corresponding to Special (POCSO) No.46 of 2024 arising out of Chanditala Police Station Case No.764 of 2024 dated September 23, 2024 under Section 64 of the Bharatiya Nyaya Sanhita, 2023 read with Section 6(1) of the Protection of Children from Sexual Offences Act, 2012 wherein charges has been framed on March 06, 2025 under Section 64 of the Bharatiya Nyaya Sanhita, 2023 read with Sections 6(1)/8 of the Protection of Children from Sexual Offences Act, 2012 now pending before the Court of the Learned Judge, Special Court cum Additional Sessions Judge, 1st Court, Serampore, Hooghly.

-And-

In the matter of : Sayan Roy @ Sayan Ray & Anr.
... Petitioners

Mr. Navanil De,
Ms. Monami Mukherjee
... For the Petitioners

Mr. Ranadeb Sengupta,
Mr. Tirupati Mukherjee
...For the State

Mr. Amit Ranjan Pati
... For the *de facto* complainant

Learned Advocate for the petitioners submit that the case of prosecution is that the victims of their own went to the house of the petitioner no.2 to have beer, however, they took alcohol. Further while returning in the car of petitioner no.2, the petitioner no.1 ravished one of the victim and petitioner no.2 forcibly sexually assaulted the other victim. Be that as it may, there are no such injuries noted in the medical examination report, which clearly falsifies such statement. Both the victims

have been examined in Court. The statements of the victims during investigation vis-à-vis their depositions in court are full of discrepancies. Further the statement of one of the victim that petitioner no.2, has committed penetrative sexual offence upon her is nothing but embellishment and improvement of her earlier statement. Both the victims went to house of petitioner no.2 to take back the mobile phone on the subsequent date, which also raises suspicion as to the acceptability of the prosecution case. The vulnerable witnesses have already been examined. The petitioner no.1 is in custody for 9 months and the petitioner no.2 is in custody for 7 months. He seeks for enlargement of the petitioners on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the statements of the victims are consistent to the fact that one of the victims was ravished by petitioner no.1 and penetrative sexual assault committed on another victim by petitioner no.2, which they have also stated in their examination. The discrepancies, if any, in the statement of the victims may be examined in the light of other evidences. One of the witnesses, namely, the friend of the victims who accompanied them on the date of incident, is yet to be examined and 25th July, 2025 is the next date fixed. In light of his aforesaid submission, he seeks for dismissal of the bail application of the petitioners.

Learned Advocate representing the *de facto* complainant also submits that the victims have consistently implicated the petitioners of their respective act of sexual assault upon them. He seeks for dismissal of the bail application of the petitioners.

Perused the case diary and materials on record.

In the present case there are two victims. The victims had been to the house of the petitioner no.2 and they had consumed alcohol. Both the victims state of the respective offensive act committed by the petitioners before the Magistrate as well as during their examination in Court. Absence of injuries may not improbabilise the case of the prosecution. So far as the discrepancy, if any, in the statement of the victims, as indicated by the learned Advocate for the petitioner, is concerned, the same has to be assessed in the light of other evidences in trial. Considering the above materials and bearing in mind nature and gravity of the offence, this Court is not inclined to grant bail to the petitioners.

Accordingly, the bail prayer of the petitioners is rejected.

Trial court is directed to expedite the trial and conclude the same at an early date without granting any unnecessary adjournments to either of the parties.

The application for bail being **CRM (M) 715 of 2025** stands dismissed.

(Bivas Pattanayak, J.)