

17.07.2025
Item no.3
Court No.42
ss
(Dismissed)

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

CRM (M) 736 of 2025

In re : An Application Section 483 of the BNSS, 2023 in connection with S.T.(POCSO) No.04(12) of 2024 corresponding to Special (POCSO) No.47 of 2024 arising out of Chanditala Police Station Case No.763 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 where in charges has been framed on December 10, 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 now pending before the Court of the Learned Judge, Special Court-cum-Additional Sessions Judge, 1st Court, Seramore, Hooghly

-And-

In the matter of : Raktim Mandal @ Raktim Mondal
... Petitioner

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

Ms. Manisha Sharma,
Mr. Debarshi Brahma
...For the State

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

Learned Advocate for the petitioner submits that the case of prosecution is that the victims of their own went to the house of the petitioner to have beer, however, they took alcohol. Further while returning in the car of petitioner, the petitioner forcibly sexually assaulted one of the 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 the victim that the petitioner 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 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 is in custody for 7 months. He seeks for enlargement of the petitioner 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 the co-accused and penetrative sexual assault committed on another victim by the present petitioner, 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 her aforesaid submission, she seeks for dismissal of the bail application of the petitioner.

Learned Advocate representing the *de facto* complainant also submits that the victim of the present case has consistently implicated the petitioner of his involvement in such penetrative sexual assault upon her. He seeks for dismissal of the bail application of the petitioner.

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 and they had consumed alcohol. The victim of the present case states of the offensive act committed by the petitioner before the Magistrate as well as during her 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 petitioner.

Accordingly, the bail prayer of the petitioner 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) 736 of 2025** stands dismissed.

(Bivas Pattanayak, J.)