

09.07.2025
Item no.12(DL)
Court No.42
srm
(Rejected)

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

C.R.M.(M) 725 of 2025

In Re: An Application for Bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure) in connection with Special Case No.301 of 2022 (corresponding to Special Sessions Trial No.13(03) of 2023) arising out of Jibantala Police Station Case No.451 of 2022 dated 17.11.2022 under Section 376DA of the Indian Penal Code and under Section 6 of the Protection of Children from Sexual Offences Act, pending before the learned Special Judge, Special Court POCSO Act cum the learned Additional Sessions Judge, 2nd Court, Alipore, South 24-Parganas;

-And-

In the matter of : Abdul Mannan Molla

.... Petitioner

Mr. Soumya Nag,
Mr. Rajdeep Sengupta

...for the Petitioner.

Ms. Sukanya Bhattacharya,
Ms. Trina Mitra

...for the State.

Service report filed by the State is taken on record.

State files medical report of the petitioner which is also taken on record.

Learned Advocate for the petitioner submits that the petitioner is in custody for more than 2 years 7 months without there being considerable progress in trial. The petitioner has also undergone operative measures in his spine. He seeks for enlargement of the petitioner on bail. To buttress his contention, he relies on the decision of Hon'ble Supreme Court in

Balwinder Singh vs. State of Punjab & Anr. (In Re: ***Special Leave to Appeal (Crl.) No.8523/2024***) and this Hon'ble Court in the matter of ***Manoj Mal @ Monoj Mal*** (In Re: ***CRM(M) 181 of 2025***).

Opposing such prayer for bail, learned Advocate for the State submits that the victim as well as her friend who accompanied her on the date of the incident has implicated the petitioner before the Court. Due to such sexual assault the victim sustained bleeding injury which is supported by the medical examination report as well as the FSL report. The prosecution has already examined 5 witnesses and proposed to examine rest 9 charge sheeted witnesses. The next date is fixed on 16th July, 2025 for examination of CSW 11 and CSW 12. She seeks for dismissal of the application.

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

Perused the case diary and the materials on record.

The victim implicates this petitioner of causing rape upon her. The friend of the victim who accompanied her also supports the evidence of the victim. The evidence adduced in Court also shows that due to such sexual assault the victim sustained bleeding injury on her private part. Such aspect is also supported by the medical examination report which records "*bleeding per vagina*". The allegations are serious in nature.

So far as the decision in *Balwinder Singh (supra)* and *Manoj Mal @ Monoj Mal (supra)* are concerned, factually those are distinguishable. *Balwinder Singh (supra)* is an offence of murder

and in *Manoj Mal* (supra) only one out of 32 witnesses were examined.

Considering the above, I am not inclined to grant bail to the petitioner.

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

However, learned Trial Court is directed to expedite the trial at the fullest extent and conclude the same at an early date without granting unnecessary adjournments to either of the parties.

Prosecution is directed to produce witnesses on the scheduled date fixed by the trial court.

Parties are directed to cooperate in the trial.

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

The medical report shows that after surgery petitioner has been discharged from hospital.

Accordingly, the Superintendent, Baruipur Correctional Home is directed to extend medical assistance to the petitioner as per his requirement.

The application for bail being **CRM (M) 725 of 2025** stands dismissed.

(Bivas Pattanayak, J.)