

29.07.2025
Item No.02.
Daily List
Court No.42
Mithun
(Rejected)

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

CRM (M) 775 of 2025

In re : An Application under Section 439 of the Code of Criminal Procedure, 1973 (corresponding to Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dholahat Police Station Case No.371/2016 dated 03/09/2016 under Sections 363/366A/365 of the Indian Penal Code (subsequently charge sheet has been submitted under Sections 363/365/370/371 of the Indian Penal Code) (subsequently charges has been framed for the offences punishable under Section 363/366A/367/368/370/370A/372/373/376 of the Indian Penal Code& Sections 4/6 of the Protection of Children from Sexual Offences Act (POCSO) (corresponding to G.R. Case No.1363/2016) (corresponding to Spl. ST-05(01) 2023).

-And-

In the matter of : Monoj Singh

... .. Petitioner

Mr. Ayan Basu,
Mr. Sandip Kr. Mondal,
Mr. Sumit Routh

... .. For the Petitioner

Mr. Rana Mukherjee,
Mr. Shashanka Shekhar Saha

... ...For the State

Petitioner renews his prayer for bail.

Service report as well as status report filed by the State is taken on record.

Learned Advocate for the petitioner submits that the victim has consistently made embellishment and improvement in her statement. Initially she did not allege of any sexual assault against the petitioner and thereafter she has alleged of such

sexual assault which is totally false and fabricated. This Court directed the prosecution to conclude the trial within a period of 8 months. However, only one witness has been examined in full and one witness in part. The petitioner is in custody for more than 3 years. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the victim in her subsequent statement have implicated this petitioner of sexual assault. Considering such *prima facie* incriminating materials, the bail prayer of the petitioner was rejected in CRM(DB) 2634 of 2024 on 19th September, 2024. He also indicates that the defence has sought for time during examination of the prosecution witnesses. The delay cannot be solely attributed to the prosecution. He seeks for dismissal of the bail application.

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

Perused the case diary and materials on record.

The victim primarily implicates this petitioner of sexual assault. In the earlier bail application in CRM (DB) 2634 of 2024 while dismissing the bail prayer, this Court observed as follows:-

“We find that prima facie there are incriminating materials against the petitioner. The charge is under Sections 4/6 of the POCSO Act. If convicted, the petitioner shall have to suffer imprisonment of at least 20 years.”

Considering such incriminating materials and the nature and gravity of the offence, I am not inclined to enlarge the petitioner on bail.

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

In the earlier bail application, learned Trial Court was directed to conclude the trial positively within eight months from

the next date fixed for recording of evidence. Be that as it may, it is found from the status report that the defence Counsel has sought for time during examination of the prosecution witnesses. Accordingly, the Trial Court is directed to expedite the trial to the fullest extent and conclude the same at an early date without granting any unnecessary adjournment to either of the parties.

It is informed by the learned Advocate for the State that 5th August, 2025 is fixed for further examination of the victim girl.

Prosecution is directed to produce witnesses before the Trial Court on the schedule dates fixed for examination of witnesses.

Parties are directed to cooperate in the trial before the Trial Court.

The application being **CRM(M) 775 of 2025** stands dismissed.

(Bivas Pattanayak, J.)