

07.08.2025
Item No.1
Court No.42
ab

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

CRM (M) 929 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with POCSO Case No.15 of 2022, Thanapara Police Station Case No.60 of 2022, dated 3rd April, 2022, under Sections 376 AB of the Indian Penal Code, 1860 read with Section 4 of the Protection of Children from Sexual Offences Act, 2012, and subsequently charge sheet filed, vide Charge Sheet No.57 of 2022, dated 18.04.2022, under Sections 376 AB of the Indian Penal Code, 1860 and read with Section 4 of the Protection of Children from Sexual Offences Act, 2012, presently pending before the learned Additional Sessions Judge, cum Judge Special Court (POCSO), at Tehatta, Nadia.

-And-

In the matter of : XXXXX

... .. **Petitioner**

Mr. Sabir Ahmed,
Mr. Apan Saha

... .. For the Petitioner

Mr. Saibal Bapuli,
Mr. Rahul Ganguly

... ..For the State

Mr. Abhinav Rakshit (VC)

... for the de facto complainant

Status report filed by the State is taken on record.

Learned advocate for the petitioner submits that the petitioner is in custody for 3 years and 4 months without there being considerable progress in trial. The petitioner has been implicated falsely out of family disputes. The medical examination report of the victim does not show any such injury

either on the body of the victim or her private parts. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned advocate for the State submits that the victim at the time of incident was 3 years of age. The victim, in her deposition in Court, implicates the petitioner. He seeks for dismissal of the bail application. He files copy of the evidence of the victim, which is taken on record.

Learned advocate for the *de facto* complainant also opposes the prayer for bail. He submits that the plea of civil disputes is not sustainable. The allegations are grave. He seeks for dismissal of the bail application.

Perused the case diary and materials on record.

It is found that the victim in her deposition in Court clearly implicates this petitioner of penetrating sexual assault. Absence of any injury may not improbabilize the case of the prosecution. Considering the *prima facie* materials as indicated above, the implication of the victim as well as the nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

Accordingly, the bail prayer is rejected.

It is informed that 4 out of 12 witnesses have already been examined and next date is fixed on 29th August, 2025 for evidence of the prosecution witnesses.

Accordingly, the learned trial court is directed to expedite the trial with fullest extent and conclude the same 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.

The application for bail being **CRM (M) 929 of 2025** stands dismissed.

(Bivas Pattanayak, J.)