

07.07.2025
Item no.21(ML)
Court No.42
srm
(Rejected)

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

C.R.M.(M) 807 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 arising out of Ranaghat Women Police Station Case No.14 of 2024 dated 07.02.2024 under Sections 448/323/354/506/34 of the Indian Penal Code and under Section 6 of the Protection of Children from Sexual Offences Act, 2012 adding Section 376 of the Indian Penal Code and Charge Sheet filed in connection with the same bearing Charge sheet No.40 of 2024 dated 07.05.2024 under Sections 448/354B/376DB/376D/323/325/109 of the Indian Penal Code and under Sections 6/17 of the Protection of Children from Sexual Offences Act, 2012, pending before the learned Additional Sessions Judge, Ranaghat, Nadia, cum Judge Special Court (POCSO Act), Ranaghat, Nadia;

In Re : XXXX

.... Petitioner

Mr. Sabir Ahmed,
Mr. Tasmim Ahmed
Mr. Dhiman Banerjee,
Mr. Quazi Ezaz

...for the Petitioner.

Mr. Rudradipta Nandy,
Ms. Nahid Ahmed

...for the State.

Mr. Tapash Kumar Mondal

...for the *de facto* complainant.

Service report filed by the State is taken on record.

The petitioner renews his prayer for bail.

Learned Advocate for the petitioner submits that the petitioner has been falsely implicated in this case. The petitioner intended to resolve the family dispute between the parents of the victim. There are no such notable injuries on the victim. In CRM

(DB) 3998 of 2024, submissions were made on behalf of the State that steps have been taken for splitting up the trial since one of the accused persons are absconding, however, till date no steps have been taken by the prosecution for splitting the trial of the petitioner. The petitioner is in custody for one year and five months without charges being framed. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the victim aged 9 years has implicated this petitioner and one other of sexual assault upon her which is supported by medical report. He seeks for dismissal of the application.

Similarly, learned Advocate for the *de facto* complainant also prays for dismissal of the application.

Perused the case diary and the materials on record.

The victim at the time of incident was 9 years of age. The victim in her statement clearly implicates this petitioner of his involvement in the alleged offence of penetrative sexual assault. The medial examination report also supports such facts. Considering the above and the nature and gravity of the offence, I am not inclined to grant bail to the petitioner.

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

On 27th January, 2025, submissions were made on behalf of the State in CRM (DB) 3998 of 2024 that steps have been taken for splitting up of the trial against the petitioner and other accused person. Be that as it may, the order dated 8th May, 2025 of the learned trial court records that the execution

report of warrant of arrest against absconding accused Sanjay Biswas is still awaiting.

Learned advocate for the State assures that the necessary steps would be taken for execution of such warrant of arrest pending against the absconding accused.

Accordingly, the prosecution is directed to take steps for execution of warrant of arrest pending against accused Sanjay Biswas.

The learned trial court is directed to expedite the trial after such execution report is received.

The application for bail being **CRM (M) 807 of 2025** stands dismissed.

(Bivas Pattanayak, J.)