

11.07.2025
Item no.15(DL)
Court No.42
srm
(Rejected)

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

C.R.M.(M) 834 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 Baruipur Police Station Case No.128 of 2024 dated 27.01.2024 under Sections 376 (3), 376(2) Sub Clause (N)/323/504/509/427/34 of the Indian Penal Code and under Section 6 of the Protection of Children from Sexual Offences Act, pending before the learned Additional District and Sessions Judge, Baruipur, South 24-Parganas.

-And-

In the matter of : Firoz Sekh @ Md. Firoz

.... Petitioner

Ms. Ayesha Najrin

...for the Petitioner.

Ms. Sukanya Bhattacharya,
Mr. Ratul Ghosh

...for the State.

Mr. Arjun Samanta

...for the *de facto* complainant.

Learned Advocate for the petitioner submits that the victim and the petitioner had love affairs. The victim has falsely implicated this petitioner of sexual assault. There is no evidence of any video recording or capturing of obscene photographs. The DNA analysis result shows is not conclusive of paternity of the child. The petitioner is in custody for 531 days without the charge being framed. She seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that as per the statement of the victim she was

drugged and thereafter ravished which was also videographed. The medical examination report would show that the victim became pregnant and the pregnancy had to be terminated. Further, due to long absconsion of the co-accused, the wife of the present petitioner, the charges could not be framed and the date has been fixed for execution report of the warrant of arrest. He seeks for dismissal of the application.

Learned Advocate for the *de facto* complainant submits that this petitioner along with the co-accused has videographed obscene pictures of the victim. The petitioner was involved in sexual assault upon the victim. He also seeks for dismissal of the bail application.

Perused the case diary and the materials on record.

The statement of the victim clearly implicates the petitioner of sexual assault upon her. The material shows that the victim became pregnant. It is a fact that DNA profiling report is not conclusive of paternity of the foetus, since the DNA extracted from Exhibit 'F' (foetus) was insufficient. Be that as it may, inconclusive report in the DNA profiling cannot improbabilise the case of the prosecution and the statement of the victim. Considering the above materials 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.

The application for bail being **CRM (M) 834 of 2025** stands dismissed.

(Bivas Pattanayak, J.)