

03.07.2025
Item no.9
Court No.42
ss
(Dismissed)

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

C.R.M.(M) 819 of 2025

In Re:- An Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Krishnaganj Police Station Case No.279 of 2024 dated 09.07.2024 under Section 137(2)/140(3)/65(1)/61(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 6 and 17 of the Protection of Children from Sexual Offences Act, 2012 pending before the learned Judge, Special Court under POCSO Act, Nadia at Krishnagar.

-And-

In Re : Sakib Saikh @ Sakil Saikh
... Petitioner

Mr. Sumanta Das
Mr. Avilash Tripathi
...for the petitioner

Mr. Rana Mukherjee, Ld.APP
Ms. Rituparna Saha
...for the State

Mr. Santanu Talukdar
... for the *de facto* complainant

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned Advocate for the petitioner submits that there was previous love affairs between the petitioner and the victim. The victim left with the petitioner out of her own accord. The petitioner is in custody for 287 days and upon completion of investigation, charge-sheet has been submitted. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the statement of the victim implicates the petitioner of his involvement in the alleged offence. The victim was taken to Pune, Maharashtra wherefrom the police officers of

Krishnaganj Police Station recovered her. The vulnerable witnesses are yet to be examined. He informs the Court that 15th July, 2025 is the date fixed for examination of the victim girl. He seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant also submits that the victim was wrongfully induced and taken away by the petitioner with an intention to sell out the victim. However, after filing of F.I.R. the victim could be recovered from Pune, Maharashtra. There are specific allegations against the petitioner. He also seeks for dismissal of the application for bail.

Perused the case diary and materials on record.

The victim is aged about 13 years. The statement of the victim clearly records that rape had been committed upon her by the petitioner. The victim was taken to Pune, Maharashtra wherefrom she has been recovered. Considering the above materials and bearing in mind nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

Accordingly, the bail prayer is rejected.

The learned trial court is directed to expedite the trial to the fullest and conclude the trial 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.

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

The application for bail being **CRM (M) 819 of 2025** stands dismissed.

(Bivas Pattanayak, J.)