

10.07.2025
Item no.17(DL)
Court No.42
srm
(Rejected)

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

C.R.M.(M) 832 of 2025

In re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 (now petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023) in connection with GR Case No.139 of 2024 arising out of Goghat PS Case No.269 of 2024 dated 06.06.2024 under Sections 376(2)/506 of Indian Penal Code and also under Section 6 (1) of POCSO Act detected on 02/08/2024 instituted a POCSO Case No.15 of 2024, pending before the learned Additional District & Session Judge cum POCSO Court, Arambagh;

-And-

In the matter of : Bidhan Roy @ Bidhan Chandra Roy.

.... Petitioner

Mr. Abhik Das Sarma,
Mr. Aniruddha Singha Roy

...for the Petitioner.

Ms. Sonali Das,
Ms. Sana Naaz

...for the State.

Mr. Amit Kumar Ghosh

...for the *de facto* complainant.

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

Service report filed by the State is also taken on record.

Learned Advocate for the petitioner submits that the petitioner is in custody for 399 days and after framing of the charge on 16th January, 2025 the trial has not progressed considerably. Witnesses have not been examined. He seeks for enlargement of the petitioner on bail. To buttress his contention he relies on the decision of the Allahabad High Court in

Hargovind vs. State of U.P. (In Re: ***Criminal Misc. Bali Application No.43501 of 2022***).

Opposing such prayer for bail, learned Advocate for the State submits that the victim implicates this petitioner of his involvement in the alleged offence of penetrative sexual assault which resulted in pregnancy of the victim. For termination of such pregnancy, the victim moved a writ petition being WPA 18148 of 2024. She seeks for dismissal of the application.

Similar submission is advanced on behalf of the learned Advocate for the *de facto* complainant.

Perused the case diary and the materials on record.

The victim in her statement implicates this petitioner of rape and penetrative sexual assault resulting in her pregnancy. Considering the above, bearing in mind the nature and the gravity of the offence, I am not inclined to grant bail to the petitioner.

So far as the decision in *Hargovind (supra)* is concerned, the same is factually distinguishable from the case at hand.

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

It is found that only PW1 has been examined in part. Learned Trial Court is directed expedite the trial to the fullest extent and conclude the same at an early date without granting unnecessary adjournments to either of the parties.

Prosecution is directed to produce witnesses on the scheduled date fixed by the trial court for their examination.

Parties are directed to cooperate with the trial court during examination of the witnesses.

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

The application for bail being ***CRM (M) 832 of 2025*** stands dismissed.

(Bivas Pattanayak, J.)