

11.07.2025
Item no.17(DL)
Court No.42
srm
(Rejected)

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

C.R.M.(M) 855 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 Krishnagar Women Police Station Case No.114/2023 dated 27.12.2023 under Sections 376(3)/506 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, pending before the learned Judge Special Court under POCSO Act, Krishnagar, Nadia;

-And-

In the matter of : Ashok Sarkar

.... Petitioner

Mr. Avilash Tripathi,
Ms. Sayantika Sahu

...for the Petitioner.

Mr. Suman De,
Mr. Mainal Gupta

...for the State.

Ms. Tannishtha Bandyopadhyaya
...for the *de facto* complainant.

Service report filed by the State is taken on record.

Learned Advocate for the petitioner submits that the present case is counterblast of an earlier case. The petitioner is in custody for more than one year without there being any considerable progress in trial. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the victim implicates the petitioner in her statement of commissioning of rape upon her. The blood stain

and semen present in the wearing apparel of the victim which was seized by the investigating agency and was sent for FSL. However, since that wearing apparel was washed the report of the FSL is inconclusive. He informs the Court that 3 out of 20 charge sheeted witnesses have been examined. He seeks for dismissal of the application.

Similar submission is advanced on behalf of the *de facto* complainant who also opposes the prayer for bail.

Perused the case diary and the materials on record.

The victim in her statement clearly implicates the petitioner of commissioning rape upon her. 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.

However, learned Trial Court is directed to expedite the trial to the fullest and conclude the same at an early date without granting unnecessary adjournments to either of the parties.

The application for bail being **CRM (M) 855 of 2025** stands dismissed.

(Bivas Pattanayak, J.)