

30.07.2025
Item no.8
Court No.42
ss
(Dismissed)

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

CRM (M) 897 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Ashokenagar Police Station Case No.709 of 2022 dated 02.08.2022 under Sections 376AB of the Indian Penal, 1860 subsequently charge sheet submitted under Section 376AB of the Indian Penal Code, 1860 read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 presently pending before the learned Judge, Special Court (POCSO Act), at Barasat, North 24-Parganas.

-And-

In the matter of : Mani Sankar Ghosh

... Petitioner

Mr. Susnigdho Bhattacharyya

... For the Petitioner

Mr. Antarikhya Basu,
Ms. Mamata Jana

...For the State

Service report and status report filed by the State are taken on record.

Learned Advocate for the petitioner submits that the petitioner is in custody for almost 3 years without there being 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 4 out of 12 witnesses have already been examined. The victim at the time of incident was 4½ years of age and she has implicated this petitioner. He seeks for dismissal of the bail application.

Despite service none appears on behalf of the *de facto* complainant.

Perused the case diary and materials on record.

The victim at the time of incident was 4½ years old. The victim in her statement before the Magistrate as well as during examination in Court implicates this petitioner of penetrative sexual assault. 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 of the petitioner 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) 897 of 2025** stands dismissed.

(Bivas Pattanayak, J.)