

25.07.2025
Item No.17.
Daily List
Court No.42
Mithun
(Rejected)

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

CRM (M) 990 of 2025

In re : An Application for Bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, in connection with
Harishchandrapur P.S. Case No.352 of 2025 dated 12.04.2025,
(Special Case No.31/2025) under Section 4/18 of the Protection
of Children from Sexual Offences Act, presently pending before
the Ld. Judge, Special Court, Chanchal, Malda).

-And-

In the matter of : Asraful Hossain @ Ashraful Hossain

... .. Petitioner

Mr. Shibaji Kumar Das,
Mr. Sourav Mukherjee

... .. For the Petitioner

Mr. Bibaswan Bhattacharya,
Mr. Karan Bapuli

... ...For the State

Service report filed by the State is taken on record.

Learned Advocate for the petitioner submits that the case of
the prosecution is only of attempt. The petitioner has been
arrested on the subsequent date whereas the statement of the
witnesses shows that the petitioner was handed over to the
police on the date of occurrence itself which raises doubt as to
the said occurrence. The petitioner is in custody for 137 days.
Upon completion of investigation, charge-sheet has been
submitted. The victim has refused to undergo medical
examination. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the victim implicates 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 the materials on record.

The victim in her statement clearly implicates the petitioner of his involvement in the alleged offence. Refusal to undergo medical examination may not improbabalise the case of the prosecution. Considering the above materials and the nature and gravity of the offence, I am not inclined to enlarge the petitioner on bail.

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

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

The application being **CRM(M) 990 of 2025** stands dismissed.

(Bivas Pattanayak, J.)