

September 3, 2025

4 ARDR
(Rejected)

CRM (M) 1024 of 2025

In Re : An Application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with
Sandeshkhali Police Station Case No. **39** of **2024** dated
19/02/2024 under Sections **342/376D/506/354/509/120B** of
the Indian Penal Code and Section **3(2)(V)** of the Scheduled Castes
and Schedules Tribes (Prevention of Atrocities) Act, 1989.

And

In Re : Shib Prasad Hazra

... Petitioner.

Adv. Mrityunjoy Chatterjee,
Adv. Manas Das,
Adv. Suchismita Chatterjee,
Adv. Arindam Poali,
Adv. Arka Roy,

... for the petitioner.

Adv. Afreen Begum,

..for the defacto complainant.

Adv. Faria Hossain,
Adv. Pallavi Priyadarshee,

...for the State.

Supplementary affidavit filed by the petitioner is taken on
record.

The petitioner is in custody since 12th February, 2024 and
prays for bail.

Learned counsel for the petitioner submits that a complaint
was lodged by another victim on 8th February, 2024 against the
petitioner and others alleging offence under Section 354B of the
Indian Penal Code along with other provisions of law and pursuant
to the statement of the said victim recorded under Section 164 of
the Code of Criminal Procedure, allegation under Section 376D of
the Indian Penal Code was added. The petitioner lodged a complaint
against certain persons on 9th February, 2024 alleging commission
of offence under Section 435/436/379/427 of the Indian Penal Code
along with other allegations. The petitioner was arrested on 12th

February, 2024. The complaint was lodged after more than two years of the alleged incident. A case initially lodged under Section 354B of the Indian Penal Code was subsequently developed into a case under Section 376D of the Code. The petitioner prays for bail.

Learned counsel for the State and the defacto complainant oppose the prayer.

I have considered the material on record. The defacto complainant lodged a FIR against the petitioner on 19th February, 2024 on allegations under Section 342/376D /506 of the Indian Penal Code. It is a fact that the complaint was lodged after about two years from the date of the alleged incident. The version of the defacto complainant is that she was continuously threatened by the members of a political dispensation and was unable to approach the police station promptly. Statements of the several witnesses implicate the petitioner in the alleged offence. Statements of the victim lady and her husband have also been recorded.

Bail prayer of a co-accused was turned down by this Court considering the material on record on 5th November, 2024. The petitioner is similarly circumstanced with the said co-accused and is prima facie involved in the heinous offence. The influence of the petitioner in the locality can also not be ignored.

Considering the material on record and extent of involvement of the petitioner in the alleged offence, prayer for bail is rejected at this stage.

The application for bail is disposed of.

Case Diary be returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)