

28.07.2025
Item No.4
Court No.42
ab

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

CRM (M) 1029 of 2025

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973 / under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with English Bazar Police Station Case No. 435 of 2021 dated 08.04.2021 under sections 363/365 of the Indian Penal Code and Section 6 of the POCSO Act pending before the learned Judge, Special Court (POCSO Act, 2012), Additional District and Sessions Judge, 2nd Court, Malda.

-And-

In the matter of : Masum Sk.

... .. **Petitioner**

Mr. Pulakesh Bajpayee,
Ms. Tannistha Bandyopadhyay

... .. For the Petitioner

Mr. Sandip Chakraborty,
Mr. Subhasish Datta

... ..For the State

Mr. Soumya Basu Roychowdhury

... for the de facto complainant.

The petitioner renews his prayer for bail.

Learned advocate for the petitioner submits that the petitioner is in custody for about 266 days without considerable progress in trial. The co-accused has been granted bail. Upon completion of investigation, charge sheet has already been submitted in the present case. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned advocate for the State submits that the victim primarily implicates this petitioner of his

involvement in the alleged offence. Both anticipatory bail application as well as bail application of the petitioner were rejected considering such materials. He seeks for dismissal of the bail application.

Learned advocate for the *de facto* complainant submits that the petitioner absconded for three years and eight months and considering such aspect, the previous bail applications of the petitioner was turned down. He seeks for dismissal of the bail application.

Perused the case diary and materials on record.

The prayer for bail of this petitioner was rejected in CRM (DB) 90 of 2025 on 28th February, 2025 observing as follows:

“2. We find from the material on record including the statement of the victim girl (14 years of age) that there is sufficient incriminating material against this petitioner. He is the prime accused. His prayer for anticipatory bail was rejected by a co-ordinate Bench on January 11, 2022, in CRM 8018 of 2021. We find that the petitioner absconded for about three years and eight months.

3. In view of the history of absconsion of the petitioner and the prima facie incriminating material against him, we are not inclined to allow his prayer for bail, at this stage. The prayer for bail is rejected.

No new circumstances have been pressed into service.

Accordingly, the bail prayer is rejected.

It is informed by the learned advocate for the State that 18th August, 2025 is the next date fixed for examination of the prosecution witnesses.

Accordingly, the learned trial court is directed to expedite the trial with fullest extent and conclude the same 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.

The application for bail being **CRM (M) 1029 of 2025** stands dismissed.

(Bivas Pattanayak, J.)