

01.08.2025
Item No.05.
Daily List
Court No.42
Mithun
(Rejcted)

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

CRM (M) 1057 of 2025

In re : An Application for Bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Special Case No.63 of 2025 & Sessions Trial No.1(07) of 2025, arising out of Deganga Police Station Case No.204 of 2025 dated 06.04.2025 under Sections 309(4) of Bharatiya Naya Sanhita, 2023, read with Section 6 of the Protection of Children from Sexual Offences Act, which ended up in Charge Sheet No.316 of 2025 dated 04.06.2025 under Sections 309(4)/317(2) of Bharatiya Naya Sanhita, 2023, read with Section 6 of the Protection of Children from Sexual Offences Act, now pending before the learned Judge Special (POCSO) Court, Barasat, North 24 Parganas.

-And-

In the matter of : Rahim Ali @ Nijam

... .. Petitioner

Mr. Pronojit Roy,
Mr. Jamal Uddin

... .. For the Petitioner

Mr. Saibal Krisnha Dasgupta

...for the *de facto* complainant

Ms. Amita Gour,
Mr. Santanu Deb Roy

... ..For the State

Learned Advocate for the petitioner submits that the victim, in her statement, stated the she could not identify the petitioner, which raises a doubt with regard to the complicity of the petitioner in the alleged offence. The petitioner is in custody for 4 months. After completion of investigation, charge-sheet has been submitted in this case. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that there are allegations of robbery and rape against this petitioner who has been identified by the victim in the T.I.Parade. The medical report shows that the victim sustained cut injuries. There are recoveries of theft articles from the house of the accused/petitioner. He seeks for dismissal of the bail application.

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

Perused the case diary and materials on record.

The victim states in her statement before the Magistrate that rape was committed upon her. This petitioner has been identified by the victim in the T.I.Parade. As per the medical examination report, the victim sustained cut injuries on the lateral side of her breast. The stolen articles has been recovered from the house of this petitioner. Considering such incriminating 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.

Learned 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) 1057 of 2025** stands dismissed.

(Bivas Pattanayak, J.)