

31.07.2025
Item no.6
Court No.42
ss
(Dismissed)

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

CRM (M) 1090 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Itahar Police Station Case No.374/2022 dated 30.06.2022 under Section 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO) arising out of POCSO Case No.32 of 2022, now pending before the learned Judge, Special Court, under POCSO Act, Raiganj, Uttar Dinajpur, Charge Sheet being C.S. Case No.470/2022 dated 06.09.2022 under Section 6 of the POCSO Act read with Section 506 of the Indian Penal Code.

-And-

In the matter of : Esad Ali @ Ersad Ali

... Petitioner

Mr. Anjan Bhattacharya
Ms. Anita Shaw

... .. For the Petitioner

Ms. Manisha Sharma,
Ms. Sana Naaz

... ..For the State

Service report filed by the State is taken on record.

Learned Advocate for the petitioner submits that the co-accused, who is the father of the petitioner, has been granted bail. The petitioner is in custody for last 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 the victim has implicated this petitioner. She 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 10 years old. In her evidence, the victim clearly 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 extent 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) 1090 of 2025** stands dismissed.

(Bivas Pattanayak, J.)