

01.08.2025
Item no.8
Court No.42
ss
(Dismissed)

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

CRM (M) 1177 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 Kotwali Police Station Case No.1221/23 dated 12.12.2023 under Sections 376(D)/305/34 of the Indian Penal Code and Section 6(1) of the Protection of Children from Sexual Offences Act, 2012 corresponding POCSO Case No.143 of 2023 pending before the learned Judge, Special Court, POCSO Act, Krishnanagar, Nadia.

-And-

In the matter of : Biswajit Mondal

... Petitioner

Mr. Arnab Chatterjee
Mr. Santanu Deb Roy

... .. For the Petitioner

Ms. Faria Hossain, Ld. APP
Mr. Sujoy Sarkar

... ..For the State

Petitioner renews his prayer for bail.

Service report filed by the State is taken on record.

Learned Advocate for the petitioner submits that the co-accused has been granted bail on 25th February, 2025, which is one day prior to rejection of the bail application of this petitioner. The petitioner stands on the same footing with that of the co-accused who has been granted bail. However, such fact could not be brought to the notice of the Court on the earlier occasion. The petitioner is in custody for more than 1 year 7 months. Out of 13 only two charge-sheeted witnesses have been examined. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the present petitioner is the principal

accused, who took away the victim and ravished her. There is also allegation of threatening to the victim. This petitioner does not stand on the same footing as of the other accused. 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.

In the earlier bail application this Court in CRM (DB) 107 of 2025 observed as follows :

“6. In particular, we have seen the statements of the victim girl’s sister and uncle. Both of them say that although this petitioner and one Biswajit had taken the victim girl on a motorcycle, after the girl returned home, it was Biswajit who threatened the girl over telephone. Therefore, it appears that Biswajit is the principal accused. Biswajit is in custody.”

Therefore, the present petitioner does not stand on the same footing.

In CRM (DB) 4213 of 2024 this Court while rejecting the bail application of this petitioner observed as follows :

*“ Materials on record suggest that minor was sexually abused by a number of accused including the petitioner, Minor committed suicide apparently out of shame.
Considering the gravity of the offence and the involvement of the petitioner as transpiring from the materials on record, we are not inclined to grant bail to the petitioner and the prayer for bail of the petitioner is rejected.”*

Bearing in mind the above observation of this Court and *prima facie* incriminating materials against the petitioner as well as the 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.

It is informed that 11th August, 2025 is the next date fixed for examination of the prosecution witnesses.

Accordingly, 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) 1177 of 2025** stands dismissed.

(Bivas Pattanayak, J.)