

01.08.2025
Item No.06.
Daily List
Court No.42
Mithun
(Rejected)

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

CRM (M) 1156 of 2025

In re : An Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023/ Section 439 of the Code of Criminal Procedure, 1973 in connection with Tapan Police Station Case No.259 of 2025 dated 20.04.2025 under Section 64 of the Bharatiya Nyaya Sanhita, read with Sections 4/17 of the Protection of Children from Sexual Offences Act, read with Sections 137(2)/62 of the Bhartiya Nyaya Sanhita, (corresponding G.R. Case no.835 of 2025, and Special Case No.34 of 2025) pending before the learned Additional District and Sessions Judge, 2nd Court, Balurghat, Dakhin Dinajpur, charge sheet already submitted being no.343 of 2025 dated 16.06.2025; under section 64 of the BNS, read with Section 4/17 of the POCSO Act, read with Sections 137(2)/62 of the BNS, presently pending before the learned Additional District and Sessions Judge, 2nd Court-cum-Special Judge (under POCSO Act), Balurghat, Dakshin Dinajpur.

-And-

In the matter of : Rocky Sarkar @ Julfiakr Sarkar

... ... Petitioner

Ms. Busra Khtun,
Md. Kashif Alam,
Mr. Zeeshan Warish

... ... For the Petitioner

Mr.Santanu Singha,
Mr. Suranjan Mandal,
Mr. Amit Kumar Roy,
Ms. Mousumi Biswas

...for the *de facto* complainant

Ms. Baisali Basi,
Ms. Eshita Dutta

... ...For the State

Affidavit-of-service filed on behalf of the petitioner is taken on record.

Service report filed by the State is taken on record.

Learned Advocate for the petitioner submits that the victim and the petitioner had love relationship. There is no forcible penetrative sexual assault by the petitioner. The medical report does not depict of any injuries. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the victim implicates this petitioner in her statement. The medical examination report shows that the hymen has been ruptured. She seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant submits that the petitioner misrepresented his religion before the victim and forcibly committed rape upon her. He seeks for dismissal of the bail application.

Perused the case diary and materials on record.

Though the victim in her statement states that she developed a love relationship with the petitioner yet there are specific allegations against the petitioner of causing rape upon her. There are also allegations of threatening and blackmailing. Similar facts are also stated by the victim before the attending Doctor. Absence of injury may not improbabalize the case of the prosecution. 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) 1156 of 2025*** stands dismissed.

(Bivas Pattanayak, J.)