

11.08.2025
Item no.12
Court No.42
ss
(Dismissed)

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

C.R.M.(M) 1252 of 2025

In re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 arising out of Hansnabad Police Station Case Number 340 of 2021 dated 02.06.2021 under Sections 341/376/506 of Indian Penal Code and Charge sheet No.418 of 2021 dated 16.07.2021 under Section 341/376/506/34 of Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.

-And-

In the matter of : XXX

... .. Petitioner

Ms. Anita Kaunda
Mr. Anubrata Dutta

... .. For the Petitioner

Mr. Debabrata Chatterjee

... ..For the State

Ms. Srimoyee Mukherjee

... for the *de facto* complainant

Service report filed on behalf of the State is taken on record.

Petitioner renews his prayer for bail.

Learned Advocate for the petitioner submits that only two out of sixteen witnesses have been examined so far. The petitioner is in custody for 4½ years. She seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the victim consistently implicates this petitioner of commissioning rape upon her. He seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant also submits in the similar fashion. She seeks for dismissal of the bail application.

Perused the case diary and materials on record.

The victim in her statement as well as in her deposition in court implicates this petitioner of taking her to a guest house and ravishing her. Considering the above incriminating 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.

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

It is found that at the instance of the defence on earlier two occasions the cross-examination of the victim had to be deferred.

The 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 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) 1252 of 2025** stands dismissed.

(Bivas Pattanayak, J.)