

14.08.2025
Item no.6
Court No.42
ss
(Dismissed)

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

C.R.M.(M) 1259 of 2025

In re : An Application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 corresponding to Section 439
of the Code of Criminal Procedure, 1973 in connection with
C.Spl 41/2024[POCSO Trial 02(10)2024] arising out of
Hariharpara Police Station Case No.213 dated 13.04.2024 under
Sections 376(3) of the Indian Penal Code and Section 4 of the
Protection of Children from Sexual Offences Act, 2012 thereby
rejecting the petitioner's prayer for bail.

-And-

In the matter of : Babar Shah @ Babar Ali

... Petitioner

Mr. Ranadeb Sengupta,
Mr. Sachit Talukdar

...for the petitioner

Ms. Shaila Afrin
Mr. Prakash Mishra

... ..For the State

Learned Advocate for the petitioner submits that the
petitioner has been implicated solely out of suspicion since on
the date of occurrence there were blood stains in the wearing
apparels of the victim. The petitioner has been falsely implicated
in the case out of previous animosity. Be that as it may, the
mother of the victim and the victim herself have clarified in their
deposition that at that point of time the victim was going
through menstruation. There is no implication against the
petitioner in the evidence of the victim as well as her mother.
The vulnerable witnesses have already been examined. The other
independent witnesses have turned hostile. The prosecution has
failed to bring on record any *iota* of the evidence against the

petitioner, who is languishing for 488 days. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the victim has narrated the true incidents before the Magistrate implicating the petitioner in the alleged offence. The depositions of the victim and her mother appear to be deposed out of some extraneous pressure. The medical report is supportive of the fact that the victim was ravished. She seeks for dismissal of the bail application.

Despite service none appears on behalf of the *de facto* complainant/victim.

Perused the case diary and materials on record.

From the medical examination report as well as the evidence of the doctor, P.W.4, the last menstruation period of the victim was 8th April, 2024. The incident has occurred on 12th April, 2024. Such aspect does not improbabilise the case of the prosecution. Further the medical examination report shows rupture of hymen. The victim before the doctor has stated that she was grabbed and taken away. The victim during her examination in Court stated that she narrated the true facts before the Magistrate. The statement of the victim before the Magistrate clearly implicates this petitioner of ravishing her. Whether the blood stains on the wearing apparels of victim was of the menstruation or otherwise are to be decided in the backdrop of other evidences on record. 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) 1259 of 2025** stands dismissed.

(Bivas Pattanayak, J.)