

28.08.2025
Item no.10
Court No.42
ss
(Dismissed)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (M) 1452 of 2025

In re : An Application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with Kandi
Police Station Case No.397 of 2024 dated 14.08.2024, under
Section 65(2)/62/76 of the Bharatiya Nyaya Sanhita, 2023 and
Sections 6/10/18 of POCSO Act vide C. Spl. Case No.25 of 2024
presently pending before the Court of the learned Additional
District & Sessions Judge, Kandi, Murshidabad.

-And-

In the matter of : XXX

... .. Petitioner

Mr. Partha Sarathi Das
Mr. Hafiz Ali
Ms. Shanta Sarkar
Mr. Sha Md. Umer Sadhique
Ms. Purnima Panda

... .. for the Petitioner

Mr. Bitashok Banerjee
Ms. Mamata Jana

... for the State

Md. Jannat ul Firdous

... for the victim

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Learned Advocate for the petitioner submits that out of previous family dispute the petitioner has been falsely implicated in this case. He seeks for enlargement of the petitioner on bail.
3. Opposing such prayer for bail, learned Advocate for the State submits that the victim has consistently implicated this petitioner of his involvement in the alleged offence. She seeks for dismissal of the bail application.

4. Similar submission is advanced on behalf of the victim. He also opposes such prayer for bail.
5. Perused the case diary and materials on record.
6. The victim at the time of incident was aged about 9 years 5 months. The victim categorically implicates this petitioner in her statement before the Magistrate as well as during her deposition in court. 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.
7. Accordingly, the bail prayer of the petitioner is rejected.
8. However, 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.
9. The prosecution is directed to produce witnesses as per schedule fixed by the trial court for examination of witnesses.
10. The parties are directed to cooperate in the trial for examination of the witnesses.
11. Parties are at liberty to communicate this order to the learned trial court.
12. The application for bail being **CRM (M) 1452 of 2025** stands dismissed.

(Bivas Pattanayak, J.)