

26.08.2025
Item no.09(DL)
Court No.42
AN
(Rejected)

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

C.R.M.(M) 1404 of 2025

In Re: An application for bail under Section 439 of the Criminal Procedure Code as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with C. Special Case No.113 of 2021 arising out of Hariharpara Police Station Case No.458 of 2021 dated 30.10.2021 under Section 376(a) of the Indian Penal Code and Section 6 of POCSO Act, Charge-Sheet submitted under Section 376(3) of the Indian Penal Code and Section 6 of the POCSO Act pending before the learned Judge, Special Court under POCSO Act, Berhampore, Murshidabad.

-And-

In the matter of : Sadhan Halder

.... Petitioner

Mr. A. K. Chakraborty

...for the Petitioner.

Mr. Sandip Chakraborty
Ms. Rajnandini Das

...for the State.

1. Service report and the Status report filed by the State are taken on record.

2. Learned counsel appearing for the petitioner submits that the petitioner is in custody for more than three years eight months without there being considerable progress in trial. There is delay in lodgment of the F.I.R. He seeks for enlargement of the petitioner on bail.

3. Opposing such prayer for bail, learned counsel representing the State submits that the victim implicates this petitioner consistently before the Magistrate in Court as well as

during her deposition in Court. He informs the Court that 13 out of 21 witnesses have already been examined and 1st September, 2025 is the date fixed for examination of the prosecution witnesses. He seeks for dismissal of the bail application.

4. Despite service, none appears for the *de-facto complainant*.

5. Perused the case diary and the materials on record.

6. The victim in her statement recorded under Section 164 of the Criminal Procedure Code before the Magistrate as well as during her deposition in Court implicates the petitioner of committing rape upon her. The allegations are grave in nature. Considering such incriminating materials and the nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail stands 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. Prosecution is directed to produce the witnesses on the date fixed.

10. Parties are directed to cooperate with the trial court during examination of the witnesses.

11. Parties are at liberty to communicate this order to the trial court accordingly.

12. **CRM(M) 1404 of 2025** stands dismissed.

(Bivas Pattanayak, J.)