

04.09.2025
Item no.4
Court No.42
ss
(Dismissed)

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

CRM (M) 1423 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Naihati P.S. Case No. 49 of 2021 dated 07.02.2021 under Section 363 of the Indian Penal Code and adding Sections 323/324/365/366A/120B of the Indian Penal Code and Sections 4/6 of POCSO Act, now pending before the learned Special Judge (POCSO Act), Barrackpore, North 24 Parganas.

In Re : **Surajit Kar**

.... Petitioner

Mr. Debasish Kar,
Mr. Arka Tilak Bhadra
Mr. Husen Mustafi

...for the Petitioner.

Mr. Antarishya Basu,
Mr. Sobhan Gani

...for the State.

1. Petitioner renews his prayer for bail.
2. Learned Advocate for the petitioner submits that on the previous occasion when the bail was turned down on 4th October, 2024 in CRM (DB) 2967 of 2024 specific direction was given to the trial court to conclude the trial within a period of eight months from the next date fixed for recording evidence without granting any unnecessary adjournments to either of the parties. However, despite such direction, the trial has not yet been concluded. The petitioner is in custody for four years. He seeks for enlargement of the petitioner on bail.
3. Opposing such prayer for bail, learned Advocate for the State submits that there are serious allegations against this petitioner of forcibly taking the victim away and marrying her.

The victim was confined for a considerable period and was inflicted burn injury, which is supported by medical examination report. Further, the prosecution intends to examine only nine witnesses including the victim girl. Out of nine witnesses, two have already been examined. Trial is in progress. He seeks for dismissal of the bail application.

4. Despite service none appears on behalf of the *de facto* complainant, since deceased.

5. Perused the case diary and materials on record.

6. The victim in her statement has categorically implicated this petitioner of kidnapping and wrongfully confining her for six months and also assaulting her with cigarette butts. This aspect is supported by the medical examination report. The allegations are serious. 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. It is found from the report of the State that two out of nine witnesses have already been examined.

9. Accordingly, 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.

10. The prosecution is directed to produce witnesses as per schedule fixed by the trial court for examination of witnesses.

11. The parties are directed to cooperate in the trial for examination of the witnesses.

12. Parties are at liberty to communicate this order to the learned trial court.

13. The application for bail being **CRM (M) 1423 of 2025** stands dismissed.

(Bivas Pattanayak, J.)