

04.09.2025
Item no.6
Court No.42
ss
(Dismissed)

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

CRM (M) 1445 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 Kasba P. S. Case No. 81 of 2022 dated 11.03.2022 under Sections 376/506 of the Indian Penal Code read with Sections 4/6 of POCSO Act corresponding to Special S.T. No.19(05)/2022, Spl. Case No.68/2022 now pending before the learned Judge, Special Court cum Additional Sessions Judge, 2nd Court at Alipore.

In Re : **Ganesh Naskar**

.... Petitioner

Mr. Debajyoti Deb,
Mr. Paresh Baidya
Ms. Somdyuti Parekh,
Mr. Harshawardhan Kr. Jha

...for the Petitioner

Md. Imran Ali,
Mr. Nirupam Dhali

...for the State

Mr. Soujanya Pattanayak
Md. Irshad Ahmed

... for the *de facto* complainant

1. Status report filed by the State is taken on record.
2. The petitioner renews his bail prayer.
3. Learned Advocate for the petitioner submits that despite there being a direction of this Court in CRM (DB) 1858 of 2024 there is little progress in trial. The petitioner is in custody for more than three and half years. He seeks for enlargement of the petitioner on bail.
4. Opposing such prayer for bail, learned Advocate for the State submits that the victim implicates this petitioner consistently. Four out of sixteen witnesses have already been examined. He further informs that an unknown person on

behalf of the petitioner has attacked the minor victim girl regarding which a specific criminal case has been initiated being Kasba P.S. Case No.253 dated 26.06.2024 under Sections 341/324/506 IPC. Thus, there is threat perception from the side of the petitioner. He seeks for dismissal of the bail application.

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

6. Perused the case diary and materials on record.

7. In the earlier bail application in CRM (DB) 1858 of 2024 considering the deposition of the victim of implicating the petitioner of causing rape upon her, the bail was turned down. However, there was a direction to conclude the trial within a period of one year from the next date fixed for recording evidence. It is found that the trial has not been concluded as yet.

8. Be that as it may, the victim, in her deposition, implicates this petitioner of causing rape upon her on repeated occasions. Further a complaint has been lodged alleging of assault on the minor victim resulting in injury of her palm and specific case has been initiated being Kasba P.S. Case No.253 dated 26.06.2024 under Sections 341/324/506 IPC. Considering the above incriminating materials, the circumstances as above and bearing in mind nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, the bail prayer of the petitioner is rejected.

10. 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.

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

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

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

14. The application for bail being **CRM (M) 1445 of 2025** stands dismissed.

(Bivas Pattanayak, J.)