

15.09.2025
Item no.4(DL)
Court No.42
AN
(Rejected)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(M) 1538 of 2025

In Re: An Application for Bail under Section 439 of Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with POCSO Case No. 2/2023 under Section 376AB of the Indian Penal Code, 1860 read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 arising out of Krishnaganj Police Station Case No. 526 of 2022 dated 27.12.2022 under Sections 376AB/506 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012, now pending before the learned Judge, Special Court under POCSO Act, Krishnanagar, Nadia.

-And-

In the matter of : XXXXX

.... Petitioner

Mr. Sumanta Chakraborty
Ms. Dhimoyee Kundu

... for the petitioner

Mr. Bidyut Kumar Roy
Mr. Kunal Ganguly

... for the State.

1. Petitioner renews his prayer for bail.
2. Learned counsel appearing for the petitioner submits that the petitioner is in custody for more than two years and all the vulnerable witnesses have already been examined. He seeks for enlargement of the petitioner on bail.
3. Opposing such prayer, learned counsel representing the State submits that the victim at the time of the incident was eight years old and she has consistently implicated the petitioner of his involvement in the penetrative sexual assault.

He informs the Court that the trial is in progress and seven out of twenty four witnesses have already been examined and seeks for dismissal of the bail application.

4. Despite service none appears on behalf of the *de facto* complainant.
5. Perused the case diary and the materials on record.
6. The victim at the time of incident was 8 years of age. The victim in her statement before the learned Magistrate as well as in her deposition before the Court implicates the petitioner of his involvement in the penetrative sexual assault. Considering such incriminating materials and the nature and gravity of the offence, I am not inclined to enlarge the petitioner on bail.
7. Accordingly, the prayer for bail of the petitioner stands rejected.
8. However, 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.
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) 1538 of 2025** stands dismissed.

(Bivas Pattanayak, J.)