

18.09.2025
Item no.3
Court No.42
ss
(Dismissed)

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

CRM (M) 1577 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 Domjur P.S. Case No. 577 of 2021 dated 27.07.2021 under Sections 342/376/307/506/34 of the Indian Penal read with Sections 4/6 of the POCSO Act, now pending before the learned Special Judge (POCSO) Court at Howrah.

In Re : **XXXX**

.... Petitioner

Mr. Apan Saha

...for the Petitioner

Ms. Sayanti Santra,
Ms. Chandreyi Dutta

...for the State

1. Service report and deposition filed by the State are taken on record.
2. Learned Advocate for the petitioner submits that he has been falsely implicated in this case. There are existing dispute between the family members of the victim and the petitioner in relation to a shop-room, which has been let out by the petitioner to the victim's family. There is delay in lodgment of FIR, though the victim in her cross-examination states that she informed her parents immediately. The petitioner is in custody for 4 years. He seeks for enlargement of the petitioner on bail.
3. Opposing such prayer for bail, learned Advocate for the State submits that the victim consistently implicates this petitioner. The medical examination report is supportive of such implication. She 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 materials on record.
6. The victim at the time of incident was seven years of age. The victim in her statement before the Magistrate as well as during her deposition in Court implicates this petitioner of penetrative sexual assault upon her. The delay in lodging FIR may occasion due to several reasons, however, that cannot *per se* improbabilise the case of the prosecution. 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. Prosecution is directed to produce witnesses on the scheduled dates.
10. Parties are directed to cooperate with the trial court during examination of the witnesses.
11. Parties are at liberty to communicate this order of the learned trial court.
12. The application for bail being **CRM (M) 1577 of 2025** stands dismissed.

(Bivas Pattanayak, J.)