

03.09.2025
Item no.12(DL)
Court No.42
AN
(Rejected)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(M) 1535 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. 9 of 2024 arising out of Goghat Police Station Case No. 181 of 2024 dated 15.04.2024 under Sections 376(AB) / 376(2)(n) / 376(2)(f) of the Indian Penal Code and Section 6(1) of the Protection of Children from Sexual Offences Act corresponding to Sl. No. 1083 of 2024 now pending before the learned Judge, Special Court under POCSO Act, Arambagh, Hooghly.

-And-

In the matter of : XXXX

.... Petitioner

Mr. Santanu Talukdar
Mr. Indranil Roy Chowdhury
Ms. Priyanka Dutta
Mr. Priyankar Ganguly

...for the Petitioner.

Mr. Prasun Kr. Dutta
Mr. Anindya Sundar Chatterjee

...for the State.

Mr. Sujoy Sarkar
Ms. Debolina Goswami

... for the *de-facto*

1. Petitioner renews his prayer for bail.
2. Affidavit of service filed on behalf of the petitioner is taken on record.
3. Learned counsel appearing for the petitioner submits that previously the bail prayer of the petitioner was rejected on the ground that DNA test report

supported the allegations. At that point of time, the *de facto* complainant and victim were not examined before the trial court. However, subsequent to such rejection, the *de facto* complainant and the victim have been examined and none of them implicate the petitioner. On such changed circumstances, the petitioner seeks for enlargement on bail.

4. Opposing such prayer for bail, learned counsel representing the State submits that the victim has implicated this petitioner of penetrative sexual assault. The victim became pregnant due to such sexual intercourse. The DNA report is supportive of such act. He seeks for dismissal of the bail application.
5. Learned counsel appearing for the *de facto* complainant leaves the matter to the discretion of the Court.
6. The victim was about 12 years of age at the time of the incident. In her deposition, the victim stated that she made statement before the Magistrate which was readover and explained to her. The statement of the victim implicates the petitioner of his involvement in the alleged offence of forcible sexual intercourse. The victim became pregnant due to such act of the petitioner. The DNA test report is also supportive to such fact. Considering the aforesaid incriminating materials on record and the nature and gravity of the offence, prayer for bail stands rejected.

7. However, learned trial court is directed to expedite the trial to the fullest extent and conclude the trial at an early date without granting unnecessary adjournment to either of the parties.
8. Prosecution is directed to produce the witnesses on the date fixed.
9. Parties are directed to cooperate with the trial court during examination of the witnesses.
10. Parties are at liberty to communicate this order to the trial court accordingly.
11. Accordingly, **CRM(M) 1535 of 2025** stands dismissed.

(Bivas Pattanayak, J.)