

10.11.2025
Serial no. 21
[G.S.D]

CRM (M) 1567 of 2025

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure, 1973/under Section 483 of the BNSS, 2023 in connection with **G.R. Case No. 1508 of 2025 arising out of Nadanghat Police Station Case No. 389 of 2025 dated 4th July, 2025 under Section 69 of the BNS, 2023.**

-And-

In the matter of : Totan Khan @ Gani Khan

... .. Petitioner(s)

Mr. Atanu Biswas
Mr. Mrinal Saha
Mr. Sourav Saha

... for the Petitioner(s)

Mr. Arijit Ganguly
Mr. Akash Ganguly

... for the State-Respondent(s)

Mr. Bibaswan Bhattacharya

... for the Defacto-complainant

Learned advocate for the petitioner submits that the petitioner is in custody for 129 days and the medical report which has been relied upon do not reveal any material so far as the present petitioner is concerned.

It has further been contended that another case of similar nature was instituted at the behest of the defacto-complainant wherein charge-sheet has been submitted and the petitioner was earlier granted bail.

Learned advocate for the defacto-complainant submits that proper service has not been effected and opposes the prayer for bail.

Learned advocate for the State is present and submits that the case is at the stage of committal as copies have been supplied to the accused.

Having considered the medical report which reflects '*Old tear of hymen*' as also the fact that statement under Section 183 of the BNSS reflects that there was a relationship for a period of 5 years, I am of the view that the prosecution must be granted an opportunity to progress with the case.

Hence, the prayer for bail of the petitioner is **Rejected.**

However, the petitioner would be at liberty to approach this court after the stage of consideration of charges is over.

Accordingly, CRM(M) 1567 of 2025 is **dismissed.**

Pending application(s), if any, is also disposed of.

CD be returned to the learned advocate for the State.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

