

11.09.2025
Item No.4
Court No.42
ab

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

CRM (M) 1598 of 2025

In Re:- An application for bail under 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with Habibpur
Police Station Case No. 06 of 2025, dated 05.01.2025 under
Sections 6/12 of the Protection of Children from Sexual
Offences Act, 2012, now pending before the learned Judge,
Special Court & Additional District Judge, 2nd Court at Malda.

-And-

In the matter of : XXXX

... .. **Petitioner**

Mr. Siddhartha Sarkar

... .. For the Petitioner

Mr. Sandip Chakraborty,
Mr. Soumadip Saha

... ...For the State

Mr. Amit Ranjan Pati,
Mr. S. Ghosh,
Mr. Anish Goswami,
Mr. Avijit Chatterjee

... for the *de facto* complainant

1. Learned advocate for the petitioner submits that the victim in her deposition in Court does not implicate the petitioner. The complainant mother also does not make any allegation before the Court during her examination. The victim has admitted that there is land dispute between her father and the uncle. The petitioner happens to be the cousin brother-in-law (*Kakato Jamai Babu*) who has been falsely implicated in this case. The petitioner is in custody for about 249 days. He seeks for enlargement of the petitioner on bail.
2. Opposing such prayer for bail, learned advocate for the State submits that the victim in her statement before the learned

Magistrate has stated of sexual assault and rape committed by the petitioner, which is also supported by the medical examination report. He seeks for dismissal of the bail application.

3. Learned advocate for the *de facto* complainant leaves the matter to the discretion of the Court.
4. Perused the case diary and materials on record.
5. The victim during examination has been declared hostile by the prosecution. During her cross-examination by the prosecution, she has admitted to have stated the facts to the investigating agency of the alleged offence committed by the petitioner. She also admits that she has made statement before the learned Magistrate that the petitioner committed rape upon her. The statement of the victim before the learned Magistrate reveals that there is serious implication against the petitioner of causing rape upon her. The medical examination report records of injury to the victim. The victim before the attending doctor also stated of such facts of sexual assault. Considering the above, the implication of the victim as well as the nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.
6. Accordingly, the bail prayer is rejected.
7. However, learned trial court is directed to expedite the trial with fullest extent and conclude the same at an early date without granting any unnecessary adjournment to either of the parties.
8. The prosecution is directed to produce witnesses as per schedule fixed by the trial court for examination of witnesses.

9. The parties are directed to cooperate in the trial for examination of the witnesses.
10. The application for bail being ***CRM (M) 1598 of 2025*** stands dismissed.

(Bivas Pattanayak, J.)