

18.09.2025
Item no.5(DL)
Court No.42
srm
(Rejected)

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

C.R.M.(M) 1624 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023/Section 439 of the Code of Criminal Procedure, 1973 in Special Case No.38 of 2024 arising out of Gangarampur Police Station Case No.371 of 2024 dated 22.07.2024 under Section 341/354/376/506 of the Indian Penal Code read with Section 6 of POCSO Act currently pending before the Court of learned Judge under POCSO Act, Gangarampur at Buniadpur, Dakshin Dunajpur.

And

In Re : Bidyut Das @ Bidhu Das

.... Petitioner

Mr. Debabrata Acharyya,
Mr. Sital Samanta

..... for the petitioner

Mr. Partha Pratim Das,
Mr. Abhinaba Mukherjee

... for the State

Mr. Kaushik Chowdhury,
Mr. Sabyasachi Hazra

... for the *de facto* complainant

1. Learned Advocate for the petitioner submits that, as per the prosecution, this victim used to attend computer classes in the computer shop of the petitioner. However, there is no such document collected by the prosecution to show that the petitioner runs a computer training centre. The statement of prosecution witnesses would show that there are no such criminal antecedents of the petitioner. There is unexplained delay of six months in lodging the complaint. The victim has refused medical examination. The petitioner is in custody for 13 months. He seeks for enlargement of the petitioner on bail.

2. Opposing such prayer for bail, learned Advocate for the State submits that the victim at the time of incident was 12 years of age and she consistently implicates this petitioner. He informs the Court that 7 out of 13 witnesses have already been examined and the trial is in progress. He seeks for dismissal of the bail application.
3. Similar submission is also advanced on behalf of the *de facto* complainant who also opposes such prayer for bail.
4. Perused the case diary and the materials on record.
5. The victim at the time of incident was 12 years of age. The victim consistently implicates this petitioner before the investigating agency, the learned Magistrate as well as during her deposition in court of such penetrative sexual assault upon her. Delay in lodging FIR may occasion for several reasons which *per se* do not improbabilise the case of the prosecution. Needless to mention that the victim also implicates this petitioner during her medical examination. Considering such incriminating materials and nature and gravity of the offence, I am not inclined to grant bail to the petitioner.
6. Accordingly, the prayer for bail of the petitioner is rejected.
7. However, learned Trial Court is directed to expedite the trial to the fullest extent and conclude the same at an early date without granting unnecessary adjournments to either of the parties.
8. Prosecution is directed to produce witnesses on the scheduled dates.

9. Parties are directed to cooperate with the trial court during examination of the witnesses.
10. Parties are at liberty to communicate this order of the learned trial court.
11. The application for bail being **CRM (M) 1624 of 2025** stands dismissed.

(Bivas Pattanayak, J.)