

18.09.2025
Item no.7(DL)
Court No.42
srm
(Rejected)

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

C.R.M.(M) 1633 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Habibpur Police Station F.I.R. No.19 of 2024 dated 03.02.2024 under Section 376(3)/506 of the Indian Penal Code read with Section 6 of POCSO Act currently pending before the Court of learned Judge, Special Court ADJ 2nd Court, Malda.

And

In Re : Aneswar Mandal

.... Petitioner

Mr. Sarwar Jahan,
Mr. Sayantan Hazra,
Ms. Tapati Sarkar

..... for the Petitioner

Md. Anwar Hossain,
Ms. Sanjida Suntana

... for the State

Ms. Afreen Begum

... for the *de facto* complainant

1. Learned Advocate for the petitioner submits that victim in her cross-examination admitted of the fact that there was quarrel with the accused-petitioner over payment of a loan amount and the complaint has been lodged for recovery of the said amount. Such aspect clearly shows falsity in the prosecution case. The petitioner is in custody for 6 months and only 2 out of 15 charge sheeted witnesses have been examined. He seeks for enlargement of the petitioner on bail.
2. Opposing such prayer for bail, learned Advocate for the State submits that the victim consistently implicates this

petitioner of his involvement in the alleged offence. 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 consistently implicates this petitioner before the Magistrate as well as in her deposition in court of the involvement of the petitioner in penetrative sexual assault. The evidence of the victim in her cross-examination, as submitted on behalf of the petitioner, may be examined in trial in the backdrop of other evidences. Considering the incriminating materials, as indicated above, 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. The application for bail being **CRM (M) 1633 of 2025** stands dismissed.

(Bivas Pattanayak, J.)