

16.09.2025
Item no.7
Court No.42
ss
(Dismissed)

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

CRM (M) 1626 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kushmandi Police Station Case No.128 of 2025 dated 21.06.2025 under Section 137(2)/140(3) of the Bharatiya Nyaya Sanhita read with Section 6 of POCSO Act currently pending before the Court of learned Judge under POCSO Act, Gangarampur at Buniadpur, Dakshin Dinajpur.

And

In Re : Debasish Biswas

.... Petitioner

Mr. Kaushik Choudhury

..... for the petitioner

Ms. Baisali Basu

Ms. Sonali Bhar

... for the State

1. Service report filed on behalf of the State is taken on record.
2. Learned Advocate for the petitioner submits that the victim has not disclosed the name of the petitioner in her statement. There are no such injuries noted in the medical examination report. The petitioner is in custody for 85 days and upon completion of investigation, charge-sheet has been submitted in this case. He seeks for enlargement of the petitioner on bail.
3. Opposing such prayer for bail, learned Advocate for the State submits that as the victim was not previously acquainted with the petitioner, she could not disclose his name. The name of the petitioner has transpired from the statements of other witnesses. The victim implicates this

petitioner of kidnapping and committing rape upon her. She seeks for dismissal of the bail application.

4. Despite service none appears on behalf of the *de facto* complainant/victim.
5. Perused the case diary and materials on record.
6. The victim in her statement alleges of a person of kidnapping and causing rape upon her on several occasions. As the petitioner was not known to the victim, she possibly could not state his name. Be that as it may, the name of this petitioner has transpired from the statements of other witnesses. The absence of injury may not improbabilise the case of the prosecution. Considering the *prima facie* incriminating materials and bearing in mind nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.
7. Accordingly, the bail prayer of the petitioner is rejected.
8. The application for bail being **CRM (M) 1626 of 2025** stands dismissed.

(Bivas Pattanayak, J.)