

24.09.2025
Item no.11
Court No.42
ss
(Dismissed)

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

CRM (M) 1669 of 2025

In Re:- An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the Code of Criminal Procedure in connection with Spl. No.37/2023 arising out of Gangarampur Police Station Case No.486/23 dated 21.10.2023 under Section 341/377/506 of the Indian Penal Code read with Section 6 of POCSO Act wherein Charge Sheet was submitted under Sections 341/377/506 of the Indian Penal Code read with Section 6 of POCSO Act vide Charge Sheet No.555/2023 dated 18.12.2023 currently pending before the Court of learned Judge under POCSO Act, Gangarampur at Buniadpur, Dakshin Dinajpur.

And

In Re : Samim Zakaria @ Samim Jakaria

.... Petitioner

Md. Shamimuddin
Mr. Raunak Shaw
Sk. Samiul Haque

..... for the petitioner

Mr. Arijit Ganguly
Mr. Sujan Chatterjee

... for the State

1. Service report and status report filed by the State are taken on record.
2. Affidavit of service filed on behalf of the petitioner is also taken on record.
3. The petitioner renews his prayer for bail.
4. Learned Advocate for the petitioner submits that the victim boy in his cross-examination before the court has stated that he has made the statement before the Magistrate as told by his grand-mother. The petitioner has been falsely implicated in this case. The petitioner is in custody for 23 months. He seeks for enlargement of the petitioner on bail.

5. Opposing such prayer for bail, learned Advocate for the State submits that the victim boy consistently implicates this petitioner of penetrative sexual assault. He informs this Court that prosecution intends to examine seventeen witnesses and out of which five witnesses have already been examined. He seeks for dismissal of the bail application.

6. Despite service none appears on behalf of the *de facto* complainant.

7. Perused the case diary and materials on record.

8. The victim boy at the time of incident was 4½ years of age. The victim boy consistently implicates this petitioner of penetrative sexual assault before the Magistrate as well as in his deposition before the court. The statement of the victim boy in cross-examination pressed into service may be assessed in trial in the backdrop of other evidences. Considering the above incriminating materials and bearing in mind nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, the bail prayer of the petitioner is rejected.

10. However, learned trial court is directed to expedite the trial to the fullest extent and conclude the same at an early date without granting any unnecessary adjournment to either of the parties.

11. Prosecution is directed to produce witnesses on the scheduled dates.

12. Parties are directed to cooperate with the trial court during examination of the witnesses.

13. Parties are at liberty to communicate this order of the learned trial court.

14. The application for bail being **CRM (M) 1669 of 2025** stands dismissed.

(Bivas Pattanayak, J.)