

25.09.2025
Item no.5
Court No.42
ss
(Dismissed)

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

CRM (M) 1719 of 2025

In Re:- An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Balurghat G.R.P.S. Case No.03 of 2025 dated 21.06.2025 under Section 118(2)/109 of the Bharatiya Nyaya Sanhita, 2023 read with Section 4 of POCSO Act (Corresponding Special (POCSO) Case ANo.59 of 2025 and Special Trial No.61(08) of 2025) pending before the Court of learned Special Judge under POCSO Act, - cum ADJ, 2nd Court, Balurghat, Dakshin Dinajpur.

And

In Re : Arif Sarkar @ Arifuddin Molla

.... Petitioner

Mr. Kaushik Choudhury

..... for the petitioner

Mr. Imran Ali

Ms. Rita Dutta

... for the State

1. Service report filed by the State is taken on record.
2. Learned Advocate for the petitioner submits that the victim and the petitioner had previous love affairs. There are no such incriminating materials against the petitioner. The petitioner is in custody for 76 days. Schedule for examination of witnesses has been fixed. He seeks for enlargement of the petitioner on bail.
3. Opposing such prayer for bail, learned Advocate for the State submits that on the date of occurrence, the victim was pushed by the petitioner before a running train and she sustained severe injuries on her person. He seeks for dismissal of the bail application.

4. Similar submission is advanced by learned advocate for the *de facto* complainant who also opposes the prayer of bail.
5. Perused the case diary and materials on record.
6. The victim alleges of attempt of rape by the petitioner upon her. Moreover, she implicates this petitioner of pushing her in front of a moving train. The discharge summary shows that the victim sustained crush injury in the right upper limb including injury in multiple fingers. The victim was referred to the higher centre for plastic surgery. 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.
7. Accordingly, the bail prayer of the petitioner is rejected.
8. 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.
9. Prosecution is directed to produce witnesses on the scheduled dates.
10. Parties are directed to cooperate with the trial court during examination of the witnesses.
11. Parties are at liberty to communicate this order of the learned trial court.
12. The application for bail being **CRM (M) 1719 of 2025** stands dismissed.

(Bivas Pattanayak, J.)