

34. 10.03.2025
Court
No.26
(Rejected) (Pritam)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3295 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Krishnaganj** Police Station Case No.**387/2023** dated **28.09.2023** under Sections **376D/506** of the IPC, 1860 & Section 6 of the POCSO Act.

And

In the matter of: - **Sujoy Poddar.**

.....petitioner.

Mr. Sandip Chakraborty,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Mr. Kaustav Das

...for the petitioner.

Mr. Sandipan Maity

...for the victim.

Mr. Koushik Biswas,
Ms. Eshita Dutta

...for the State.

1. Petitioner prays for bail.
2. Learned advocate appearing for the petitioner submits that the petitioner stands on a better footing than Priyankar who was enlarged on bail by the Juvenile Justice Board. He draws the attention of the court to the deposition of the victim recorded at the trial. He refers to the medical examination report of the victim. He points out that, the claim is of gang rape, which is unsubstantiated by the medical evidence. He submits that, the alleged incident occurred at the place of Soummya. He draws

the attention of the court to the period of custody of the petitioner being 1 (one) year and 7 (seven) months.

3. State and the *de-facto* complainant are represented.
4. Petitioner before us is facing trial with regard to a gang rape.
5. Victim was examined at the trial. In the deposition, the victim implicates the petitioner before us, amongst others, in gang rape. Victim stated that she was taken to the place of Soummya where she was administered a drink consequent to which she lost her consciousness and on regaining consciousness, she found the petitioner to be lying beside her.
6. The entirety of the evidence is to be assessed at the trial. Suffice to say that as on date, there is sufficient material to implicate the petitioner before us in gang rape.
7. Two juveniles were enlarged on bail by the Juvenile Justice Board. Petitioner cannot be placed on the same footing as that of those juveniles, as the petitioner is not a juvenile.
8. Victim before us is a minor.
9. In such circumstances, we are not inclined to grant bail to the petitioner.
10. The prayer for bail is, thus, **rejected**.
11. CRM (DB) 3295 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)