

35-36. 10.03.2025
Court
No.26
(Rejected) (Pritam)

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

CRM (DB) 3305 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 **Narendrapur** Police Station Case No.**1061/2022** dated **25.09.2022** under Sections **376(3)/376DA/120B** of the IPC, 1860 & Sections 6/17 of the POCSO Act.

And

In the matter of: - **Babusona Majhi.**

.....petitioner.

With

CRM (DB) 3412 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 **Narendrapur** Police Station Case No.**1061/2022** dated **25.09.2022** under Sections **363/366/376DA/34/120B** of the IPC, 1860 & Sections 6/17 of the POCSO Act.

And

In the matter of: - **Pravash Santra @ Pravash & Anr.**

....for the petitioners.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha

...for the petitioner in CRM (DB) 3305 of 2024.

Mr. Arijit Bhusan Bagchi

...for the *de-facto* in CRM (DB) 3305 of 2024
and CRM (DB) 3412 of 2024.

Mr. Avishek Sinha,
Mr. Arup Sarkar

...for the State in CRM (DB) 3305 of 2024.

Mr. Debasish Roy, Ld. P.P.,
Mr. Monoranjan Mahata,
Ms. Sanjida Sultana

...for the State in CRM (DB) 3412 of 2024.

1. Two applications for bail are taken up for consideration as they were being heard analogously by the co-ordinate bench.
2. Petitioner in CRM (DB) 3305 of 2024 contends that he is in custody for in excess of 2 (two) years and 3 (three) months. It is contended that, the prosecution lacks in proceeding with the trial. In any event, there is no material, which implicates such petitioner.
3. On behalf of the petitioner in CRM (DB) 3412 of 2024, it is contended that, apart from the period of custody and the laxity of the prosecution to begin the trial, the role of such petitioners are not such that further detention of such petitioners are required.
4. During the pendency of the two applications, it was contended on behalf of the petitioners that, the mother of the victim that is the prosecution witness no.2 was not attending the trial despite dates being fixed for hearing examinations. It was contended on behalf of the *de-facto* complainant that although the mother was present on the dates of the trial, she was not produced as a witness by the concerned Public Prosecutor.

5. In view of such allegations, we passed an order dated February 25, 2025, requiring the jurisdictional Superintendent of Police to accompany the *de-facto* complainant to Court for the purpose of recording her evidence. The same was done
6. State and the *de-facto* complainant are represented.
7. Trial is in progress. Out of 8 prosecution witnesses, only 2 stands examined.
8. Two prosecution witnesses examined at the trial are the victim as also her mother. Both corroborate each other. Both ascribed the role of rape of the petitioner in CRM (DB) 3305 of 2024. Petitioners in CRM (DB) 3412 of 2024 are ascribed the role of being present and watching the incident and not intervening.
9. Victim is a minor.
10. Enlarging any the petitioners on bail at this stage may be inimical to the trial. It will obviously send a wrong signal to the society.
11. Considering the gravity of the offence and the involvement of the petitioner in the incident, we are not inclined to grant bail to the petitioners.
12. The prayer for bail is, thus, **rejected**.
13. CRM (DB) 3305 of 2024 & CRM (DB) 3412 of 2024 are disposed of, accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)