

30.01.2025
Item no.21.
Court No.29.
S. De

CRM (DB) No. 3837 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of : Tapas Sanpui.

.....Petitioner.

Mr. Jaydeep Biswas,
Mr. Jewel Chanda,
Mr. Kaushik Ghosh,for the Petitioner.

Mr. Ranadeb Sengupta,
Mr. Bikram Mitra,for the State

Mr. Sauradeep Dutta,
...for the de facto complainant.

Dictated by Apurba Sinha Ray, J.

1. Report filed by the State be kept with the records.
2. Learned counsel for the petitioner has submitted that the petitioner is in custody for 2 years and 10 days. There is no chance of an early conclusion of the trial since there are 15 chargesheet named witnesses remain to be examined. The present petitioner has been falsely implicated out of previous grudge. He has drawn our attention to the certain portions of Section 207 Cr.P.C. papers (Section 230 of Bharatiya Nagarik Suraksha Sanhita, 2023). He has also drawn our attention to the first medical report wherein the medical examination of the

alleged victim could not have been done due to her menstruation.

3. According to learned counsel for the petitioner, the statement of Smt. Krishna Gharami recorded under Section 164 Cr.P.C. (Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023) further fortifies that the present petitioner has been falsely implicated. Considering his period of detention, the petitioner may be enlarged on bail on any condition.
4. Learned counsel for the de facto complainant and the learned counsel for the State have raised strong objection. According to them, there are sufficient incriminating materials against the present petitioner.
5. Learned counsel for the State has drawn our attention to the medical report dated January 29, 2023, in support of his contention that the victim was sexually assaulted. Learned counsel for the State has also submitted that the examination of the victim will be done on February 12, 2025 and if the present petitioner is enlarged on bail, the prosecution may suffer a lot.
6. We have meticulously considered the materials-on-record. There are sufficient incriminating materials against this petitioner. We find that there are certain issues which can be settled after considering

the evidence of the victim girl who is aged about 14 years. It is true that the petitioner is in custody for more than 2 years but unless the victim girl is examined before the learned Trial Court, we are not inclined to allow the prayer for bail of the present petitioner, at this stage.

7. CRM (DB) 3837 of 2024 is dismissed.
8. Considering the period of detention of the petitioner, we direct the learned trial Court to expedite the trial to the fullest extent possible and conclude the same on an early date.
9. Let this order be communicated by the parties to the learned Trial Court.
10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)