

27.01.2025
Item no. 20.
Court No.29.
AB
(Rejected)

CRM (DB) 3843 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dum Dum Police Station Case No.242 of 2023 Dated 18.09.2023 under Section 376 of the Indian Penal Code read with Section 6 of the POCSO Act

And

In the matter of : Sumanta Halder

.....Petitioner.

Mr. N. S. Ghosh,
Ms. Sompurna Chatterjee,
Mr. Sourav Mondal,
Ms. Laboni Sikder,
Mr. Souvik Devfor the Petitioner.

Mrs. Rituparna De Ghosh
Mr. Debadrita Mondalfor the State.

Ms. Suchismita Duttafor the Defacto complainant.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated. There is no incriminating evidence against him since the defacto complainant, being the father of the alleged victim, exonerated the present petitioner. The prosecution is unable to produce all the relevant witnesses during examination of the trial. He is in custody for one year and nine months.
2. Learned Counsel for the State has opposed the prayer for bail. According to her, there are sufficient incriminating materials against the petitioner. However, the defacto complainant did not state against the

present petitioner but there may be some reasons for making such depositions. However, unless the victim boy is examined, the bail prayer of the present petitioner should not be granted.

3. Learned Counsel for the State has also drawn our attention to the medical report as well as the statement of the victim boy recorded under Section 183 B.N.S.S. 2023 along with the doctor's statement. We have considered the materials on record. We find from the CD including the medical report that there are certain incriminating materials against the present petitioner. As the victim boy has not yet been examined, we are not inclined to allow the prayer for bail of the petitioner, at this stage.
4. The prayer for bail is rejected.
5. CRM (DB) 3843 of 2024 is dismissed.
6. We direct the learned Trial Court to expedite the trial and examine the victim boy within the next two months and if circumstances arise, take coercive steps against the defacto complainant.
7. Parties shall communicate this order to the learned Trial Court.
8. 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.)

