

03.03.2025

ML-13

Court No.26

CRM (DB) 4290 of 2024

*(Bail **Rejected**)*

(AD)

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Special Case No.307 of 2023 [Special ST No.09(01)2024] arising out of **Nadial** Police Station Case No.**168** of **2023** dated **06.10.2023** under Sections **376/506** of the Indian Penal Code, 1860 and under Section **6** of the Protection of Children from Sexual Offences Act, pending before the Learned Additional Sessions Judge, 2nd Court, Alipore, South 24 Parganas cum the Learned Judge, Special Court, Alipore, South 24 Parganas.

-And-

In the matter of : Imran Khan @ Md. Imran Khan

... ..Petitioner

Mr. Soumya Nag, Advocate

Mr. Aditya Tewari, Advocate

Ms. Namrata Chatterjee, Advocate

Mr. Rajdeep Sengupta, Advocate

... .. For the Petitioner

Mr. Iqbal Kabir, Advocate

Mr. Sandip Kundu, Advocate

... ...For the State

Mr. Sobhan Gani, Advocate

Mr. Md. Aqib Badr, Advocate

Mr. Shakti Shivam, Advocate

... .. For the de facto complainant

1. Trial is in progress.
2. Victim is a minor, became pregnant and delivered a child.
3. Deposition of the victim girl implicates the petitioner in penetrative sexual assault.
4. Learned Advocate appearing for the petitioner invites us to evaluate the evidence led at the trial in order to grant bail. It is at his instances that we proceed to do so.
5. It is contended on behalf of the petitioner that since the victim did not undertake medico-legal examination, the

version of the prosecution should not be accepted. It is also contended that, the time line spoken of by the victim also does not establish the charge beyond reasonable doubt as against the petitioner.

6. With respect, we are unable to accept both the contentions.
7. Trial is yet to be concluded.
8. Evidence requires reevaluation on completion of the trial.
9. As the materials stands today at the trial, a minor who implicates the petitioner in penetrative sexual assault.
10. The statement of the victim, if found reliable, is sufficient to convict the accused.
11. Medico-legal examination report may not be necessary in order to convict an accused if the testimony of the victim is accepted by the Court.
12. Similarly on the same parameters, minor aberrations as to the time line of the offence is of no consequence, when the criminal acts itself stands established.
13. In such circumstances, we are not inclined to grant bail to the petitioner.
14. Accordingly, the prayer for bail of the petitioner is **rejected**.
15. **CRM (DB) 4290 of 2024** is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)