

29.04.2025

Sl. No. 17

Court No.3

BM

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM(M) 44 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023

And

In the matter of : Martin Rai

Ms. Supriya Singh

... for the petitioner

Mr. Niloy Chakraborty

Mr. Aniruddha Biswas

... for the State

1. Service upon the victim by the petitioner has been made but none appears on his behalf.

2. Learned counsel for the State has submitted that in such cases legal aid counsel is appointed. At this stage the said prayer is kept in abeyance.

3. The prayer for bail in the present case arises out of an order dated 28.01.2025, passed by the learned Judge, Special Court (POCSO), Kalimpong thereby rejecting the petitioner's prayer for bail, in connection with Pedong Police Station Case No.26 of 2023 dated 18.10.2023 under Section 6 of Protection of Children from Sexual Offences Act, corresponding to POCSO case No.50 of 2023.

4. On hearing the learned counsel for the parties and the learned counsel for the State who has placed the case diary along with statement under Section 164 of the Cr.P.C, this court finds that the victim boy

is aged about 13 years and used to stay in a private hostel owned by the accused person at Pedong.

5. On 18.10.2023 when the complainant brought his nephew to his house from the hostel for Puja vacation, then it could be learned from a guardian of another student *“that said hostel owner has sexually assaulted another student and that the said hostel owner has also sexually assaulted the complainant’s nephew since last few months and when the complainant asked about the incident to his nephew, the victim boy crying stated that the said hostel owner Martin Rai sexually assaulted him since last few months and very often he suffered from bleeding injury from his private part”*.

6. Learned counsel for the petitioner prays for bail on the ground of long detention. It appears that **trial in the case has commenced**.

7. Considering the nature of case, which involves the accused being the owner of the hostel wherein the victim boy allegedly was sexually assaulted by him and as the trial has already commenced, this court is not inclined to grant bail to the accused person at this stage.

8. The trial court is directed to make all endeavour to dispose of the case expeditiously.

9. Prayer for bail stands rejected.

10. CRM(M) No.44 of 2025 stands disposed.

(Shampa Dutt (Paul), J.)