

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

**20.08.2025.
07.
Ct.No.04
as
(Rejected)**

C.R.M. (M) 202 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection Phansidewa P.S. Case No.171 of 2022 dated 16.04.2022 under Sections 376(2)(f)(1) of the Indian Penal Code corresponding to Sessions Case No.108(06) of 2022.

In the matter of : **Rabindra Minj.**
... Petitioner.

Mr. Bibek Tarafder.
...for the Petitioner.

Mr. Kallol Acharjee,
Mr. Sagnik Sarkar Sikdar.
...for the State.

1. This is an application presented by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, BNSS) in connection Phansidewa P.S. Case No.171 of 2022 dated 16.04.2022 under Sections 376(2)(f)(1) of the Indian Penal Code corresponding to Sessions Case No.108(06) of 2022.

2. Mr. Tarafdar, learned Advocate appearing for the petitioner, submits that in the present case, a Hon'ble Division Bench of this Court, while dealing with the petitioner's bail application in CRM (DB) 389 of 2024, directed the learned trial court to conclude the trial within eight months from the date of communication of the order dated 4th September, 2024. He submits that till date only one witness has been examined, and the petitioner has been in custody for more than three years. He, therefore, prays that, in view of these facts, the petitioner may be enlarged on bail.

3. Mr. Acharjee, learned Advocate appearing for the State, produces the Case Diary and, relying on the materials therein, vehemently opposes the prayer for bail. He submits that the petitioner is the father of the victim, who is a mentally challenged person, and that the victim has been ravished. In such circumstances, it would not be appropriate to take a lenient view. He further submits that the Hon'ble Division Bench, while dealing with the bail application, observed that it is a fit case for custody trial. He assures that the State will make a sincere effort to ensure that the trial is concluded expeditiously.

4. Heard the learned Advocates appearing for the respective parties and perused the materials on record, including the case diary.

5. The allegation against the present petitioner, who is the father, carries grave implications. The Hon'ble Division Bench of this Court, by its order dated 4th September, 2024, passed in CRM (DB) 389 of 2024, refused to enlarge the petitioner on bail and directed the learned Trial Court to conclude the trial expeditiously. This may indicate that the Hon'ble Division Bench was of the view that the petitioner should face custody during trial. The Hon'ble Division Bench further directed the Trial Court to bring the case to its logical conclusion as expeditiously as possible, preferably within eight months from the date of communication of the said order.

6. Taking note of the aforesaid order and considering the nature of the allegations and the materials on record, including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, 1973, I am not inclined to accept the petitioner's prayer for bail.

7. Accordingly, the prayer for bail made by the petitioner is rejected.

8. However, the trial court is directed to make a sincere effort to conclude the trial expeditiously, preferably within a period of eight months from the date of communication of this order.

9. Let a copy of this order be communicated to the learned trial court for taking necessary action.

(Partha Sarathi Chatterjee, J.)