21. 13.11.2026
Court

No.8 (Tanmoy)

In The High Court at Calcutta
CRIMINAL APPELLATE JURISDICTION

CRA (DB)/356/2026

In Re: An appeal under Section 14A of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 in connection with Special Case No.15/2024, arising out of Sandeshkhali PS Case No. 39/2024, dated 19.02.2024 under Sections 342/376(D)/506 of the Indian Penal Code, 1860, adding Section 3(2)(v) of the SC & ST (POA) Act.

AND

In the matter of : **BHANU MONDAL**

...appellant.

Mr. Santanu Talukdar
Mr. Binay Shaw
Mr. Amaan Deep Gupta

...for the appellant.

Mr. Kallol Mondal, Ld. PP
Mr. Aditya Tiwary, JGA
Mr. Arindam Dey
Mr. Aditya Ratan Tiwary

...for the State.

Ms. Manasi Roy

...for the *de facto* complainant.

Dictated by Arijit Banerjee, J.

1. The appellant and other accused persons are facing trial of the charge under Section 376D of the Indian Penal Code, 1860, read with Section 3(2)(v) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989. The appellant says that he is in custody for about two years. The trial has not progressed at all. Only one out of 18 charge-sheet named witnesses has been examined till date.
2. The appellant further says that admittedly he had no active role in the alleged rape of the victim lady. Going by the version of the victim lady, the appellant stood outside the room where the victim lady was raped by the other two

accused persons. Hence, the appellant should be granted bail. The learned Trial Court wrongly rejected the appellant's prayer.

3. Learned Public Prosecutor opposes the prayer. He says that the appellant may not have actually raped the victim lady. However, the charge is of gang rape. All members of the gang need not have actually raped the victim. The appellant facilitated the crime by standing guard outside the room where the crime was committed. He has an equal role in the crime of gang rape.

4. We have considered the facts and circumstances of the case. *Prima facie* there appears to be sufficient incriminating material against the appellant. Hence, we are not inclined to allow the appellant's prayer for bail, at this stage.

5. The appeal, being CRA(DB)/356/2026, is accordingly dismissed.

6. However, considering that the appellant is in custody for about two years already, he will be at liberty to renew his prayer for bail before the learned Trial Court in the event the trial does not conclude within the next 15 months.

7. Let a copy of this order be communicated by the registry of this Court to the learned Trial Court forthwith.

8. Criminal Section is directed to make available certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Rishad Medora, J.) **(Arijit Banerjee, J.)**