

M/L612
20.01.2026
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C.R.M. (SB) 177 of 2023

In Re: An application for cancellation of Bail under Section 439(2) of the Code of Criminal Procedure;

Rakhi Sen Bera
Versus
The State of West Bengal & Ors.

Mr. Billwadal Bhattacharya
Mr. Sourav Chatterjee
Ms. Namrata Chatterjee.
...for the petitioner.

Mr. Debasish Roy, Ld. P.P.
Mr. Bitasok Banerjee.
...for the State.

Mr. Soumyajit Das Mahapatra
Ms. Madhurai Sinha
Ms. Upasana Banerjee.
...for the opposite party nos.2 to 5.

Learned advocate appearing for the petitioner submits that the opposite party no.2 is involved in sexually abusing the petitioner as it would reflect that the subject matter of the present case relates to Narayangarh Police Station Case No.184 of 2023 wherein Section 354B of the Indian Penal Code has been incorporated and subsequently, Narayangarh Police Station Case No.61 of 2025 dated 09.03.2025 was registered for investigation against the opposite party no.2 and another for offences under Sections 127(2)/64 of the BNS, 2023.

Learned advocate for the State has produced the case

diary.

So far as the present case is concerned, the case was registered in the year 2023.

Learned advocate for the petitioner submits that the petitioner has been threatened repeatedly by the opposite party no.2 and he has criminal antecedent.

I have taken into account the passage of time which has lapsed in the meantime and the fact which has been placed on behalf of the State that on 31.07.2024 charges have already been framed and date has been fixed subsequently for witness action.

Learned advocate for the private opposite parties deny and dispute the contentions advanced and submits that they are law abiding citizens and have been adhering to the directions of the learned trial court.

I have taken into account the totality of the circumstances, the passage of time which has passed and I am of the view that, at this stage, interference by this Court would be against the settled proposition of law. However, the petitioner complains of still being insecured because of overt acts at the behest of the private opposite parties. To that effect, if any information is furnished before the police authorities or the learned jurisdictional court, learned jurisdictional court would pass appropriate orders for securing the protection of the witnesses of the case in accordance with the provisions of law.

With the aforesaid observations, CRM (SB) 177 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

Report submitted by the State be kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)