

06.01.2026
Court No.28
Item No. 222
tbsr

CRM (M) 1997 of 2025

In Re: - An application for bail under Section 439 of Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Gurguripal** P.S. Case No. **115 of 2024** dated **23.11.2024** under Sections **329(4)/65(2)** of the Bharatiya Nyaya Sanhita, 2023 read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of : XXXX

....Petitioner.

Mr. Suman Das Adhikary
....for the petitioner.

Ms. Sonali Das
Ms. Jonaki Saha
.....for the State.

Report filed on behalf of the State is taken on record.

Despite service, no one appears on behalf of the de facto complainant.

Learned counsel appearing on behalf of the petitioner submits as follows. The deposition of the victim and her mother are not supported by the injury report. The petitioner has been in custody for more than one year. Yet, the trial has not been concluded.

Learned counsel appearing on behalf of the State opposes the prayer for bail. She submits that out of twelve witnesses, two have already been examined. However, there are other important witnesses like independent local witnesses/neighbours who are yet to be examined. The prosecution case is that the accused forcibly took the six years old minor girl to a room and committed sexual assault.

After the incident, the local witnesses saw the minor victim run away from the place of occurrence.

It appears that the FIR was lodged on 23.11.2024 and the charge sheet was submitted on 08.01.2025. After charges were framed on 13.03.2025, two witnesses have been examined. But, there are other important witnesses like the independent post occurrence witnesses who are yet to be examined.

In view of the above and considering the gravity of the alleged offence and the materials available in the case diary, I do not consider this to be a fit case for granting bail at this stage.

The learned trial Court is requested to conclude the trial in accordance with law and as expeditiously as possible by fixing short dates.

With these observations, the application for bail is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)