

02.07.2026
Court No.35.
D/L.10.
Rakib
(Rejected)

CRM (M) 2726 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Harishchandrapur Police Station case no. 471 of 2025 dated 15.05.2025 under Sections 351(2) of the Bharatiya Nyaya Sanhita read with Section 6 of the Protection of Children from Sexual Offences Act.

And

In the matter of : XXXXX

.....Petitioner.

Mr. Sandip Chakraborty
Mr. Amanul Islam
Mr. Arup Sarkar
Mr. Kaustav Das
Mr. Sourav Mukherjee
Mr. Gourav Rou

.....for the Petitioner.

Mr. Gauranga Kumar Das, Ld. APP
Mr. Sataroop Purkayastha

.....for the State.

Report submitted by the State be kept with the record.

Report reflects that service have been effected upon the private opposite party.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for one year one month and till date the proceedings have not been commenced. Learned advocate also submits that the victim was pregnant at the time of commission of the alleged offence as she had a relationship with another person. The USG report according to the petitioner do fortify the case of the petitioner. As such, he may be granted bail.

Learned advocate appearing for the State has drawn the attention of the Court to the statement under Section 164 of Cr.P.C. as well as the medical report.

Although, petitioner is in custody for more than 13 months and is the sole accused but till date the stage of charges have not been overcome, neither the victim till date has been examined.

I have taken into account the statement of the victim under Section 164 of Cr.P.C./Section 183 of BNSS which do admit the situation that when the minor victim was pregnant she was alleged sexually abused by the present petitioner. Having considered that at this stage, I am not inclined to release the petitioner on bail.

Petitioner would renew his prayer for bail after the evidence of the victim is over.

Learned Special Court is directed to conclude the stage of consideration of charges within a week from the next date fixed and thereafter within a month from the said date fix schedule for the evidence of the victim.

All efforts be exerted to conclude the evidence of the victim within one month of commencement of the examination-in-chief.

With the aforesaid observations CRM (M) 2726 of 2025 is dismissed.

Memo of evidence submitted by the State be kept with the record.

All parties shall act in terms of server copy of the order 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 with all requisite formalities.

(Tirthankar Ghosh, J.)