

12.08.2026

Item No.5

Ct.No.35

dc.

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (M) 534 of 2026

In Re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Kashipur Police Station Case No. 276 of 2022 dated 06.06.2022 under Sections 363/365/376(2)(n)/328/120B of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : **Ajit Ghosh**

... Petitioner.

Mr. Saibal Krishna Dasgupta

... For the Petitioner.

Mr. Rajdeep Mazumder, Ld. AAG,
Mr. Kallol Mondal, Ld. PP,
Mr. Krishnendu Bhattacharya, Ld. APP,
Mr. Moyukh Mukherjee,
Mr. Bikash Kumar Singh

... For the State.

Mr. Soham Banerjee

... For the *de facto* complainant (HCLSC).

Let the matter be detagged.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for more than four years. Only charge has been framed in the month of June, 2026 and there is no possibility of the trial concluding in near future.

This Court from time to time sought for reports from the State of West Bengal relating to why the progress of the case could not take place. State has changed the Public Prosecutor of the case as a measure after intervention and thereafter date has been fixed for examination of the victim.

Petitioner emphasises on being released on bail.

The charge-sheet in the instant case was submitted under Sections 363/365/376(2)(n)/328/120B of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012. The facts of the case further reveal that there was a force committed by the accused and she was ravished against her will. The victim was of tender age (12/13 years) at the relevant time of commission of the offence. I have taken into account the merits of the case. The principles of criminal law state that deficiency in investigation is never a ground for acquittal. In respect of applicability of Article 21 of the Constitution of India, the Court has to take into account the merits of the matter as well as the sufferance of the accused. None of the issues can be isolated from each other. Having considered the heinousness of the offence in the present case, I am not inclined to grant bail to the present petitioner. As such, the prayer for bail of the petitioner is **rejected**.

State has taken some steps, but still it is wanting. Accordingly, I direct the State to sincerely and seriously pursue the proceedings of the instant case.

Learned Special Court is directed to ensure that after the charges are framed, at least on every month, three witnesses are examined so that the trial can reach a possible conclusion within a period of 7/8 months from the date of consideration of charges.

Report dated 06.08.2026 submitted by the learned advocate appearing for the State be kept with the record.

The application for bail, being CRM (M) 534 of 2026, is, thus, disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)