

02. 03.03.2025
Court
No.29 (Tanmoy)

Allowed

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (DB) 238 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with CBI Case No. RC 0562021S0007 dated 25.8.2021 under Sections 376D/506 of the Indian Penal Code read with Sections 4/6/8 of POCSO Act, 2012, arising out of **Nabagram** Police Station Case No. **114/2021** dated **10.5.2021**. POCSO Case No. 21/2021
And

In the matter of: - **NAIRUL SK @ NAJRUL SK AND ANR.**

...petitioners.

Mr. Sekhar Kumar Basu, Sr. Adv.
Mr. Tapodip Gupta
Mr. Suman Bhanja

...for the petitioners.

Mr. Amajit De, Spl. PP, CBI

...for CBI.

Dictated by Arijit Banerjee, J.

1. Service report filed by Central Bureau of Investigation (CBI) be kept with the records. In spite of service, nobody appears for the *de facto* complainant/victim.
2. Read order dated February 20, 2025.
3. Status report filed by CBI is taken on record. We find from the report that only two out of 53 charge-sheet named witnesses have been examined till date. The petitioners are in custody for three years and nine months.
4. Learned Advocate for CBI says that as per his instructions, the prosecution will examine 30-35 more witnesses.
5. It, therefore, is fairly clear that there is no possibility of the trial concluding on an early date or within a reasonable period of

time. The petitioners are in custody for a long period of time. The delay in progress of the trial does not appear to be attributable to the petitioners.

6. In view of the aforesaid, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we are constrained to enlarge the petitioners on bail.
7. Accordingly, we direct that the petitioners, namely, **1. NAIRUL SK @ NAJRUL SK., 2. Najir Hossain @ Dhalo @ Nazir Hossain** shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court, Lalbagh, Murshidabad, subject to condition that the petitioners shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioners, while on bail, shall remain within the territorial jurisdiction of Lalbagh Police Station and shall furnish their present address through their learned Advocate to the Inspector-in-Charge/Officer-in-Charge of Lalbagh Police Station as well as the learned Trial Court and CBI and shall also meet the Inspector-in-Charge/Officer-in-Charge of Lalbagh Police Station, thrice in a week, until further orders.
8. In the event the petitioners fail to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court

shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

9. The application for bail being CRM (DB) 238 of 2025 is accordingly disposed of.
10. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)