

CRM (DB) 419 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Basanti Police Station** Case No. **877 of 2019** dated **22.12.2019** under Sections **363/365/370/370A/372/373** of the IPC and Sections 6/17 of the POCSO Act.

- A n d -

In the matter of : Jasmin Salim Mollah @ Sathi @ Lovely

.... Petitioner.

Mr. Deepak Prahladka,
Ms. Reshmi Khatun,

... For the Petitioner.

Mr. Subhamoy Bhattacharyya,
Ms. Debadrita Mondal,

... for the State.

Mr. Debayan Sen,
Mr. S. Chakraborty,

.... For the defacto complainant.

Dictated by Prasenjit Biswas, J:-

1. The petitioner says that he is in custody since August 16, 2020. He has been falsely implicated in this case. The charges were framed by the Trial Court on 23.02.2023. Three witnesses out of total 28 charge sheet named witnesses had been examined till 08.02.2024. There is no immediate possibility of conclusion of trial. Therefore, this petitioner may be released on bail.

2. Learned Advocate for the State raises strong objection by submitting that there are sufficient incriminating materials in the case diary which show about prima facie involvement of this accused petitioner with the alleged offence. Our attention is drawn to the report submitted by the Assistant Director (NCB) from which it would appear that this accused petitioner is a Bangladeshi citizen.

3. Perused the materials on record. Offence involved in this case is serious in nature. From the report submitted by the Assistant Director (NCB) it would reveal that this accused petitioner is a resident of Jesore district of Bangladesh. If at this stage bail is granted to this accused petitioner there is every chance of fleeing her away from justice and tampering of evidences. Keeping in mind the complicity of her in the alleged offence and gravity of offence which has social ramification we are not inclined to enlarge the accused petitioner on bail.

4. CRM (DB) 419 of 2025 is, thus, dismissed.

5. However, the learned Trial Court is directed to expedite the trial without granting unnecessary adjournments to either of the parties and if necessary, by fixing frequent schedules of 3/4 dates for examination of the witnesses.

6. It has also been drawn to our attention that for the last one year there has not been examination of witnesses and only 3 out of 28 charge sheet named witnesses have been examined. We hope that once this order is placed before the learned Trial Court, things will improve.

7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)