

16.12.2025

Item No.8

Ct.No.35

dc.

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (M) 1828 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kashipur Police Station Case No. 82 of 2022 dated 08.03.2022 under Section 376(2)(f)(n)(3) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012 and charge-sheet submitted under Sections 376(2)(f)(n)(3)/506 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : **XXX A**

... Petitioner.

Mr. Pronojit Roy,
Mr. Ashutosh Mandal

... For the Petitioner.

Ms. Baisali Basu,
Ms. Pushpita Saha

... For the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 3 years 9 months and till date, out of the proposed 16 witnesses, only one witness has been examined. As such, there is no possibility of the trial concluding in near future. Consequently, learned advocate has prayed for bail of the petitioner on any stringent condition.

Learned advocate appearing for the State, on the other hand, opposes the prayer for bail, relies upon the deposition of the victim girl and submits that it is a father who has violated the victim child. There are supporting materials in

the case diary as well as in the evidence which have been part of the testimony before the learned Special Court.

Having considered the gravity of the offence, I am not inclined to release the petitioner on bail. As such, the prayer for bail of the petitioner is **rejected**.

However, the prosecution also must understand that for indefinite period, an accused cannot be kept in custody. Consequently, I direct that by 30th April, 2026, prosecution would complete at least ten witnesses. No unnecessary adjournment be granted to any of the parties and trial of the case would continue in spite of any resolution of the local Bar.

Petitioner would renew his prayer for bail after 30th April, 2026.

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

The application for bail, being CRM (M) 1828 of 2025, 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.)