

09.12.2025

Court No.35.

M/L. 168.

Rakib

(rejected)

CRM (M) 1941 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 Nager Bazar Police Station case no. 134 of 2023 under Sections 384/328/120(B) of the Indian Penal Code read with Section 6/17 of the POCSO Act.

And

In the matter of : Oishik Sarkar

.....Petitioner.

Mr. Joy Chakraborty

.....for the Petitioner.

Ms. Zarin N. Khan

Mr. Karan Bapuli

.....for the State.

Mr. Kallol Basu

Mr. Apalak Basu

Mr. A. Chakraborty

.....for the de-facto complainant.

Learned advocate for the petitioner submits that the petitioner is in custody for two and half years and there is hardly any progress in the trial of the case. It has also been alleged that the petitioner and the victim both are classmates who enter into a relationship and subsequently, the father of the victim girl falsely implicated the petitioner in connection with the instant case. It has been further contended that there is no possibility of the trial concluding in near future, as such the petitioner may be released on bail on any stringent conditions.

Learned advocate for the State opposes the prayer for bail and produces the Case Diary. The evidence which has surfaced has already been brought to the notice of this Court.

Learned advocate for the de-facto complainant is also present and opposes the prayer for bail. It has also been brought to the notice of this case that the delay is because of the accused who is trying to stretch the case.

Be that as it may, it is a fact that only one witness has been examined till date and the prosecution intends to examine 14 witnesses in order to prove its case.

Learned Special Court is directed to immediately expedite the progress of the trial and fix a schedule of three dates each and every month and take efforts so that at least 10 witnesses are completed by 31st of May, 2026.

No unnecessary adjournment be granted to any of the parties and the trial of the case would continue in spite of the resolution of the local bar.

Petitioner would renew his prayer for bail after the aforesaid period is over.

Accordingly, CRM (M) 1941 of 2025 is **rejected**.

Case Diary be returned to the learned advocate for the State.

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.)