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14.05.2025
(Ct. No. 03)
DB

**HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

CRM (M) 59 of 2025

In Re: - An application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with NJP,
G.R.P.S. Case No. 37 of 2021 dated 16.12.2021 clubbed with
NCBR GRPS case no. 16 of 2021 dated 01.11.2021 under
Sections 6 of the Protection of Children from Sexual Offences
Act, 2012.

And

In the matter of: **Sushanta Debnath @ Buro @ Bijoy**
.....Petitioner.

Mr. Debjit Kundu, Adv.
Ms. Rajyashree Ghosh

...For the Petitioner.

Mr. Abhijit Sarkar
Mr. Aniruddha Biswas, Adv.

...For the State.

1. Mr. Debjit Kundu, learned advocate, is appearing for
the petitioner.

2. Mr. Abhijit Sarkar, Learned Additional Public
Prosecutor, is appearing for the State.

3. The petitioner has filed the present application under
Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023
praying for bail in connection with NJP, G.R.P.S. Case No. 37
of 2021 dated 16.12.2021 Section 6 of the Protection of
Children from Sexual Offences Act, 2012 pending before the
Learned Special Court, POSCO, 2nd Court, Jalpaiguri.

4. Counsel for the petitioner submits that the petitioner was arrested by the police on 4th November, 2021 and since then the petitioner is in custody. The police has completed investigation and submitted charge sheet. In the charge sheet, the police has made altogether 41 witnesses. Out of 41 witnesses only 16 witnesses have been examined. He submits that the victim has been examined as PW2. If the statement of the victim is taken into consideration, it will appear that no case is made out against the petitioner and the petitioner would entitle to get bail. He also submits that only 16 witnesses have been examined so far and more witnesses are to be examined which will take further more years for which the petitioner has to remain in correctional home though the petitioner is in custody since November, 2021.

5. *Per Contra*, Learned Counsel for the State submits that out of 41 witnesses, 16 witnesses have been examined and the next date is fixed on 3rd June, 2025 and 4th June, 2025 for examination of the other witnesses. He submits that examination of the witnesses is going on and if at this stage the accused is released on bail, the accused will hamper and tamper with the evidence and prays for rejection of bail.

6. This Court finds that the case is at this stage of trial. The prosecution has already examined 16 witnesses out of 41 witnesses and next dates are fixed on 3rd June, 2025 and 4th June, 2025 for examination of the other witnesses. Accordingly, this Court finds that this is not a fit case to grant

bail at this stage. Accordingly, bail is rejected.

7. In view of the above, **CRM (M) No. 59 of 2025** is **dismissed**.

8. It is found from the record that the case is of 2021. Accordingly, the Learned Court is directed to dispose of the case as expeditiously as possible as per convenient of the diary.

(Krishna Rao, J.)