

18.06.2025
Serial no. 45
[G.S.D]

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

CRM (M) 117 of 2025

In re : An Application for **Bail** under Section **483** of the BNSS, 2023 in connection with **Special (POCSO) Case No. 76(11) of 2023 corresponding to Phansidewa P.S. Case No. 383 of 2023 dated 12/11/2023 under Sections 376/506 of the IPC read with Section 6 of the POCSO Act.**

-And-

In the matter of : Biswajit Mandal

... Petitioner(s)

Mr. Arunava Pal

... for the petitioner(s)

Mr. Abhijit Sarkar
Mr. S. S. Sikdar

... for the State

Report submitted be kept with the record.

Learned advocate for the petitioner submits that the petitioner is in custody for one year seven months and even after submission of charge-sheet and the charge having been framed, no witness has been examined till date.

Learned advocate for the State submits a report which reflects that the next schedule has been fixed on and from 12th August, 2025. Although, on the earlier occasions, the witnesses appeared before the court but because of

absence of the *alamats*, evidence could not be recorded. Case Diary is also produced before this Court.

I have considered the statement of the victim under Section 164 of the Cr.P.C. as well as the medical evidence and, on an assessment of the same, I am of the view that this is not a fit case for releasing the petitioner on bail.

Accordingly the prayer for bail of the petitioner is **Rejected.**

However, the learned trial court is directed to ensure that there is progress in evidence of the case on and from the next schedule so fixed. Further, the SDPO in charge of Phansidewa Police Station would act as a nodal officer of the case and would ensure that the witnesses as well as the *alamats* are made available before the court on the dates so fixed by the learned Special Court.

Accordingly, CRM(M) 117 of 2025 is dismissed.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

