

25.11.2025
Sl. No.1
Court No.4
s.biswas

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri
Appellate Side

C.R.M.(M) 191 of 2025

In Re: - An application for bail under Section 483 of Bharatatiya
Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the
Code of Criminal Procedure, 1973 in connection with Jaigaon P.S.
Case No. 186/2011 dated 15.07.2011 under Sections 363/366A read
with Section 376 of the Indian Penal Code .

And

In the matter of: Safikul Islam alias Chhafikul Islam
alias Sapikul Mia

....Petitioner

Mr. Shubhankar Dutta

... for the petitioner

Mr. Aditi Shankar Chakraborty, APP

Mr. Aniruddha Biswas

...for the State

Mr. Ajoy Kumar Singhanian

... for the CBI

1. The bail prayer of the petitioner is taken up for consideration.
2. It is submitted on behalf of the petitioner that the petitioner is in custody for over 2 years. Learned counsel for the petitioner further submits that initially the victim was recovered, placed at her sister's house in Delhi, wherefrom she went missing and she has not been traced till date, for which the petitioner cannot be held responsible. Learned counsel for the petitioner also submitted that the petitioner claims that he is not the biological father of the child born to the victim. He also submits that initially the petitioner was enlarged on interim bail by this court, which was later on cancelled. In such circumstances, the petitioner deserves to be enlarged on bail.

3. Learned counsel for the Central Bureau of Investigation (CBI) reiterates its submission as made in the report submitted on their behalf. It is submitted on behalf of the CBI that the victim was recovered. She stayed at the house of her sister in Delhi for 15/20 days. Thereafter, she again went missing. She also recorded her statement under Section 164 of the Code of Criminal Procedure. Learned counsel for the CBI further submits that SIT was formulated to trace out the victim and it is continuing its job. Nevertheless, in spite of sincere efforts, the investigating agency has not been able to trace out the victim.
4. Learned counsel for the State adopts the submission made on behalf of the CBI. In addition, learned counsel for the State submits that the petitioner went missing after recording her statement and her disappearance is shrouded in mystery and is attributable to the petitioner.
5. Having heard the submissions made on behalf of the parties and on perusal of the materials in the case diary as well as the report submitted by the SIT together with exception taken against such report, it transpires that the case involves the petitioner in an offence punishable under Section 363/366A and 376 of the Indian Penal Code. The victim, according to the case of the prosecution, was aged about 17 years at the time of incident. It also transpired from the materials on record that the petitioner was initially granted interim bail, however when the victim went missing again after recording her statement, the interim bail was cancelled by this court. The petitioner after such developments, moved before this court for grant of bail in CRM(DB) 295 of 2024. By an order

dated August 13, 2024, the bail prayer of the petitioner was rejected, noting the conduct of the petitioner. In my opinion, there is no material change in circumstances from August 13, 2024. Although the missing girl could not be recovered, but it is submitted that the SIT is still undertaking to trace out the missing girl.

6. In such circumstances, considering the fact that the victim girl is yet to be recovered, I find no justification in granting bail to the petitioner at this stage.
7. Hence, the prayer for bail of the petitioner is **rejected**.
8. Accordingly, CRM(M) 191 of 2025 stands disposed of.

(Md. Shabbar Rashidi, J.)