

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

**20.08.2025.
15.
Ct.No.04
as
(Rejected)**

C.R.M. (M) 229 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection Banarhat P.S. Case No.252 of 2024 dated 25.08.2024 under Sections 376(2)(1) of the Indian Penal Code adding Section 376D of the Indian Penal Code corresponding to G.R. Case No.4171 of 2024.

In the matter of : **Nasir Khan.**

... Petitioner.

Mr. Arijit Ghosh,
Ms. Angana Rakshit.

...for the Petitioner.

Mr. Abhijit Sarkar (VC),
Dr. Arjun Chowdhury.

...for the State.

1. This is an application presented by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, BNSS) in connection Banarhat P.S. Case No.252 of 2024 dated 25.08.2024 under Sections 376(2)(1) of the Indian Penal Code adding Section 376D of the Indian Penal Code corresponding to G.R. Case No.4171 of 2024.

2. Mr. Ghosh, learned Advocate appearing for the petitioner, submits that there is a delay of about five months in lodging the FIR, which was filed by the victim's brother after noticing certain changes in her body. He submits that the charge-sheet has already been filed and that the petitioner, aged about 66 years, has been in custody for 360 days. He claims that there is no likelihood of an early conclusion of the trial. He, therefore, prays that the petitioner be released on bail.

3. Mr. Sarkar, learned Advocate appearing for the State, produces the Case Diary and, relying on the materials therein, vehemently opposes the prayer for bail. He submits that the FIR was lodged by the victim's brother after noticing certain physical changes in her body, whereupon the incident came to light. He contends that this is not a fit case for granting bail to the petitioner.

4. Heard the learned Advocates appearing for the respective parties and perused the materials on record, including the case diary.

5. The victim in the present case is a deaf and dumb lady. The allegation is that a sedative was administered to her, causing her to lose consciousness, and that taking advantage of this situation, she was ravished by two persons. Upon being satisfied that a prima facie case has been established against the petitioner and that the charge-sheet has been submitted, and having regard to the nature of the offence, the manner in which it was allegedly committed, and the severity of the punishment that may follow in the event of conviction, I am not inclined to accept the petitioner's prayer for bail.

6. Accordingly, the prayer for bail made by the petitioner is rejected.

(Partha Sarathi Chatterjee, J.)