

26.11.2025
Sl. No.33
Court No.4
s.biswas

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri
Appellate Side

C.R.M.(M) 237 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 **Malbazar** P.S.
Case No. **647/2024** dated **08.11.2024** under Sections **4(2)/17/12** of
the POCSO Act.

And

In the matter of: Salim Islam

....Petitioner

Mr. Jaydeep Kanta Bhowmik

Mr. Sayantan Bhowmik

Mr. Shubham Kumar

... for the petitioner

Mr. Abhijit Sarkar

Mr. Bhaskar Das

Mr. Kallol Nag

...for the State

Ms. Sayantani Das

... for the de-facto complainant

1. Petitioner renews his prayer for bail.
2. It is submitted on behalf of the petitioner that the petitioner has
been in custody for over a year. Although charge-sheet has been
submitted in the case, charges are yet to be framed. The
petitioner prays for bail on the ground of prolonged incarceration.
3. Learned counsel appearing for the State refers to various materials
in the case diary including the statement of the victim recorded
under Section 164 of the Code of Criminal Procedure. He opposes
the prayer for bail of the petitioner.
4. The de-facto complainant is represented.

5. I have heard the submissions made on behalf of the parties.
Perused the materials in the case diary. It transpires that the petitioner has been arrested for an allegation under Sections 4(2), 17 and 12 of the POCSO Act. Materials in the case diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure establishes penetrative advancement of the petitioner as against the victim. The bail prayer of the petitioner was earlier rejected on April 25, 2025. The materials on record do not show any material change in the circumstances from April 25, 2025, except longer period of incarceration.
6. In such circumstances, considering the nature and gravity of offence and materials in the case diary, I am not inclined to grant bail to the petitioner at this stage.
7. The prayer for bail is **rejected**.
8. Accordingly, CRM(M) 237 of 2025 is disposed of.

(Md. Shabbar Rashidi, J.)