

24.11.2025

Item No.DL60
Court No. 4

REJECTED

Asraf, A.R.(Ct.)

In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction
Appellate Side

Case No. **CRM (M) 296 of 2025**

In re : An Application for Bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 corresponding to
Section 439 of the Code of Criminal Procedure, 1973
filed in connection with Kharibari PS case no.303 of
2023 dated 28.10.2023 under Section 376D of the
Indian Penal Code, 1860 read with Sections 6 and 17 of
the Protection of Children from Sexual Offences Act,
2012.

-and-

In the matter of :

SITAM XALXO

... .. Petitioner

For the Petitioner :

Mr. Mayank Roy

... Advocate

For the State :

Mr. Nilay Chakraborty, APP

Mr. Sagnik Sankar Sikdar

... Advocates

1. Petitioner renews his bail prayer and the same is taken up
for consideration.
2. Affidavit of service filed in Court today by the petitioner is
taken on record.
3. It is submitted by the learned advocate appearing on behalf
of the petitioner that the bail prayer of the petitioner was
last rejected on July 3, 2025 by an order passed in CRM(M)

86 of 2025. Learned advocate for the petitioner refers to the directions contained in such order by which, a Coordinate Bench of this Court directed the learned Trial Court to conclude the trial as expeditiously as possible.

4. It is submitted on behalf of the petitioner that the case was fixed in the month of October / November, 2025 after the said order was passed, but no witness was examined on behalf of the prosecution. Such being the condition, the petitioner is entitled to bail.
5. On the other hand, learned advocate for the State submits that the trial is fixed on November 26, 27 and 28, 2025 for examination of the remaining witnesses. Learned advocate for the State also submits that by the order dated July 3, 2025 the bail prayer of the petitioner was rejected on merits.
6. Having heard the submissions made on behalf of the parties, it transpired that the learned Trial Court was directed to conclude the trial as early as possible, however, the trial could not be concluded till date. It is fixed for examination of the remaining witnesses on behalf of the prosecution within a few days, i.e., on November 26, 27 and 28, 2025. So far as the merits of the case is concerned, I find no material change in the circumstances from July 3, 2025.

7. In such circumstances, I am not inclined to enlarge the petitioner on bail.
8. Hence, the prayer for bail is **rejected**.
9. Accordingly, CRM(M) 296 of 2025 stands disposed of.
10. However, the learned Trial Court shall make endeavour to try and dispose of the case as expeditiously as possible without affording any unnecessary adjournments to either of the parties.
11. Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Md. Shabbar Rashidi, J.)