

D/L18
07.04.2026

Bpg.
Dismissed

C.R.M. (M) 107 of 2026

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 filed in connection with Ekbalpur Police Station Case No.686 of 2023 dated 06.12.2023 under Sections 366A/372/373/120B of the Indian Penal Code read with Section 4/17 of the Protection of Children from Sexual Offence Act, 3/4/5/6/7 of the Immoral Trafficking (Prevention) Act;

Firoza Khatoon @ Feroza Khatoon
Versus
The State of West Bengal

Mr. Sunny Nandy
Mr. Md. Niaz
Ms. Sneha Singh
Ms. Yamini Tiwari.
...for the petitioner.

Mr. Saibal Bapuli
Mr. Atif Ahmed Siddiqui.
...for the State

Ms. Jhuma Sen
Ms. Arpita De
Ms. Swastika Chatterjee
Mr. Samsul Lakar.
...for the minor victim girl.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 1 year 4 months and out of 15 witnesses cited by the prosecution till date none of the witnesses have been examined.

The Joint Commissioner (Crime), Kolkata Police will monitor the case as in other cases SOPs have been submitted before this Court and a pathetic state of affairs are reflected in these type of cases under the Special Act. The SOPs of the Kolkata Police

reflect that an accountability has been fixed on the Divisional Assistant Commissioner of Police, but till date, I find that the victim has not been examined, not even one witness has been completed and the accused is in custody for more than 800 days.

Having regard to the gravity of the offence, I am not inclined to release the petitioner on bail. However, the prosecution must understand that for indefinite period accused persons cannot be kept in custody until and unless there is at least a progress route of the prosecution witnesses.

Accordingly, CRM(M)107 of 2026 is dismissed.

The Registrar General, High Court, Calcutta is directed to forward the order of this copy to the Joint Commissioner (Crime), Kolkata Police for taking appropriate action according to the SOPs which have been fixed by the Kolkata Police.

Report submitted by the State be kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)