

**29.06.2026**  
**Serial no. 391**  
[G.S.D]

**CRM (M) 434 of 2026**

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/under Section 483 of the BNSS, 2023 in connection with C/Spl Case No. 28 of 2022 arising out of Berhampore Women PS Case No. 56 of 2022 dated 06.04.2022 u/s 376/(2)(i) of the IPC and Section 6 of the POCSO Act, 2012.  
-And-

**In the matter of : Shambhu Ghosh**

|                         |                                 |
|-------------------------|---------------------------------|
| Mr. Arnab Chatterjee    | ... Petitioner(s)               |
| Mr. Anisur Rahaman      |                                 |
|                         | ... for the Petitioner(s)       |
| Dr. Pradip Kr. Banerjee |                                 |
| Ms. Ananya Chakraborty  |                                 |
|                         | ... for the State-respondent(s) |
| Mr. A. Singh            |                                 |
| Mr. N. ul Amin Sarder   |                                 |
|                         | ... for the Victim Girl         |

Report submitted by the State be kept with the record.

Learned advocate for the private opposite party/victim enters appearance.

Learned advocate for the petitioner submits that the examination-in-chief of the victim has been complete but the cross-examination has been deferred under Section 231 of the Cr.P.C. Other witnesses have been examined. Learned advocate also submits that the petitioner is in custody for four years two months.

Learned advocate for the private opposite party/victim/defacto-complainant do not oppose the prayer for bail.

Learned advocate for the State has produced the case diary.

I have considered the materials but having regard to the parameters under which the Act has been brought in force, it would be difficult to rely upon the statement produced before this court without the evidence of the victim being complete. Since the cross-examination of the victim has been deferred under Section 231 of the Cr.P.C. and the learned advocate appearing for the petitioner submits that the petitioner would not be prejudiced in case the cross-examination of the victim is completed at the earliest, I direct that, in the circumstances of the present case, the learned trial court would complete the cross-examination of the victim, thereafter, considering the long detention of the present petitioner release the petitioner on bail.

So far as the conditions, if any, are concerned, it would be for the learned trial court to exercise its discretion.

Considering the above, the bail prayer of the present petitioner is refused at this stage.

Hence, the prayer for bail of the petitioner is **Rejected.**

With the aforesaid observations, CRM (M) 434 of 2026 is **disposed of**.

The learned trial court would abide by the directions passed above.

Memo of Evidence submitted be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

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

**(Tirthankar Ghosh, J.)**