

27.03.2026
Serial no. 83
[G.S.D]

CRM (M) 422 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 S.T. No. 9(6)/2025, Special Case No. 49 of 2024 arising out of Bidhannagar Women Police Station Case No. 09 of 2024 dated 09.04.2024 u/s 376/323/506/509/34 of the IPC and Section 06 of the POCSO Act.

-And-

In the matter of : Sk. Shoaib

	... Petitioner(s)
Mr. Angshuman Chakraborty	
Mr. S.S. Saha	
	... for the Petitioner(s)
Mr. Binay Kumar Panda	
Ms. Dhanasree Biswas	
	... for the State-respondent(s)
Mr. Sourav Bhattacharyya	
	... for the defacto-complainant

Learned advocate for the petitioner submits that the petitioner is in custody for more than 15 months and after submission of the charge-sheet, only one witness till date has been examined, *although*, the prosecution proposes to examine 12 witnesses in support of its case. Learned advocate, as such, prays that on any stringent condition, the petitioner may be enlarged on bail.

Learned advocate for the defacto-complainant is present and submits that there was continuous threat and intimidation upon the victim and her family members. Even after the incident, the victim was forced to transfer money to the family members of the petitioner, as such, it is prayed

that if the petitioner is released on bail, further examination of the witnesses would be jeopardized.

Learned advocate for the State opposes the prayer for bail and submits that the case was registered on 09.04.2024 and for more than eight months he was not traceable.

I have taken into account the overall circumstances including the earlier order passed by this court but the conduct of the petitioner do not inspire this court to release him on bail at this stage.

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

However, at the same time, the prosecution must also understand that for time immemorial, a person cannot be kept in custody without progress of the trial.

Accordingly, State is directed to ensure that in the next six months, there is substantial progress in the case.

Accordingly, CRM(M) 422 of 2026 is **dismissed.**

Pending application(s), if any, is also disposed of.

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.)

