

16.04.2026

Item No.26

Ct.No.35

dc.

Rejected

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (M) 540 of 2026

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Dhantala Police Station Case No. 56 of 2023 dated 24.01.2023 under Sections 376(2)(1) of the Indian Penal Code.

And

In Re : **XXXXXX Vs. The State of West Bengal & Anr.**

Mr. Prabir Majumder

... For the Petitioner.

Mr. Madhusudan Sur, APP,
Mr. Mujibar Ali Naskar

... For the State.

Mr. Bibaswan Bhattacharya,
Mr. P. Roy

... For the *victim girl*.
(through H.C.L.S.C.)

Report submitted by the learned advocate appearing for the State along with the acknowledgement of the private opposite party no.2/*de facto* complainant be kept with the record.

Learned advocate appearing for the petitioner submits that the petitioner is in custody since 25.01.2023 i.e. more than 3 years 2 months. According to the petitioner, till date, four witnesses, out of the cited ten witnesses, have been examined.

Learned advocate appearing for the State opposes the prayer for bail and submits that because of marital dispute between the present petitioner and his wife, the wife's sister

has engineered the present case and there has been no evidence being recorded since November, 2024 and petitioner is unnecessarily languishing in jail. Learned advocate for the State has produced the case diary and attention of the Court has also been drawn to the evidence of the victim.

Learned advocate appearing for the *de facto* complainant also opposes the prayer for bail.

Having considered the totality of the circumstances and the fact that the victim in her deposition before the court has implicated the present petitioner and the principles of law also state that the sole testimony of the prosecutrix is of immense value in a case under the relevant sections for which the petitioner has been charged, I am not inclined to release the petitioner on bail. As such, the prayer for bail of the petitioner is **rejected**.

However, the prosecution also must understand that an accused cannot be kept in custody for an indefinite period without concluding the trial. Accordingly, Superintendent of Police, Nadia is directed to engage a nodal officer so that trial of the case is taken to its logical conclusion within a reasonable period of time.

The application for bail, being CRM (M) 540 of 2026, is, thus, disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)