

05.03.2026

Court No.35.

M/L. 16.

Kausik

CRM (DB) 795 of 2023

In Re: An Application for Cancellation of Bail under Section 439(2) of the Code of Criminal Procedure, 1973.

And

The State of West Bengal

Vs.

Md. Reajul Sk. @ Md. Rejaul @ Babu

Mr. Rudradipta Nandy, Ld. APP.

.....for the Petitioner.

Mr. Bikash Ranjan Bhattacharya

Mr. Uday Sankar Chatterjee

Mr. Suman Chatterjee

.....for the Opposite Party.

The application for cancellation of bail was preferred in respect of an order dated 21.01.2023 passed by the learned Judge, Special Court, POCSO Act, Berhampore, Murshidabad in Criminal Misc. Case No. 5549 of 2022 which was refusal of the prayer to cancel the interim bail granted to the accused opposite party.

The offences complained of primarily reflect heinous offences, but I find that subsequently on 10.10.2023 a Division Bench of this Court after considering all the factors was pleased to alter the conditions of bail in paragraph 4 which reads as follows :-

“4. We have considered the rival submissions. In order to assuage any apprehension of threat to witnesses or misuse of liberty we direct the opposite party no. 2 not to enter the district of Murshidabad and shall provide the address where he shall presently reside to the investigating agency and court below and shall report to the Officer in Charge of the Police Station concerned within whose jurisdiction he shall presently reside once in a week until further orders.”

The present status of the case also requires consideration.

Learned advocate for the opposite party has submitted the certified copy of the recent orders of the learned Special Judge, POCSO Court, Berhampore, Murshidabad which reflects that the present petitioner had been attending the Court regularly.

Last of the orders dated 07.07.2025 reflects that the evidence of CSW 1/PW 1 is in progress, part examination-in-chief is progressing and the accommodation or adjournment was prayed on behalf of the prosecution. On 26.08.2025 the said witnesses did not appear and the accused was present; On 29.10.2025 the accused was again present but the witnesses did not appear and the next date has been fixed on 22.04.2026.

Having considered that the bail was granted on 18.10.2022 and subsequently the High Court had the occasion to deal with the grievance of the State/Petitioner and the conditions for bail were altered thereby restricting the liberty of the accused and there were no accusations after the said order dated 10.10.2023 was passed by the Division Bench, I am of

the view that it would not be fit and proper to interfere with the liberty of bail granted after almost 3 years and 4 months.

However, if there are change of circumstances which warrant interference of the State as well as the defacto complainant or the victim so far as progress of the evidence in the Trial Court is concerned, an application be preferred by the concerned parties regarding any supervening circumstances surfacing which is an impediment for the progress of the trial, in such circumstances, the learned Special Court would consider the application for cancellation without being influenced by any observations made by this Court.

So far as the conditions which have been passed in the order dated 10.10.2023 by the Division Bench, the same would continue till further orders of this Court.

With the aforesaid observations CRM (DB) 795 of 2023 is disposed of.

Certified copy filed by the opposite party be kept with the record.

All parties shall act in terms of server copy of the order 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.)