

23.06.2026

Sl. No. DL 33
Court No. 35

Asraf, A.R.(Ct.)

In the High Court at Calcutta
Criminal Miscellaneous Jurisdiction

Case No.

CRM (M) 730 of 2026

In Re : An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Pancha Police Station case no.70 of 2025 dated 31.07.2025 under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

-AND-

In the matter of :

HIMANGSHU GOPE

.....Petitioner

For the Petitioner :

Mr. Soumik Ganguli

Ms. Priti Burman

...Advocates

For the State :

Mr. Suman Chakraborty

...Advocate

1. Learned advocate appearing for the petitioner submits that the petitioner is in custody for ten months. He further submits that 13 witnesses have been examined out of the cited 21 witnesses. According to the petitioner, medical examination of the victim does not reflect any sexual assault upon her. Yet on the basis of the statement of the victim before the learned Magistrate as well as police authorities, the petitioner is in custody for a considerable period of time. There is no chance of the trial concluding in near future. As such, the petitioner may be released on bail.
2. Learned advocate appearing on behalf of the State opposes the prayer for bail and draws the attention of this Court to

the statement of the victim and emphasizes on the relevant presumptions under the provisions of Protection of Children from Sexual Offences Act, 2012.

3. I have taken into account the statement of the witnesses including that of the victim. Although there is some force in the submission of the learned advocate for the petitioner.
4. However, having considered that 13 witnesses have already been examined and some more witnesses are left, I direct the learned Trial Court that if the evidence of all the prosecution witnesses in spite of cooperation of the present petitioner is not completed within the next six months, the learned Trial Court would release the petitioner on bail.
5. With the aforesaid observations, **CRM(M) 730 of 2026** is **rejected** at this stage.
6. Case diary be returned to the learned advocate appearing for the State.
7. All parties shall act on the basis of server copy of this order duly downloaded from the official website of this Court.
8. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Tirthankar Ghosh, J.)