

19.06.2026
Court No.35.
D/L.20.
Rakib
(Rejected)

CRM (M) 894 of 2026

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sessions Case No. 22 of 2023, arising out of CBI/SCB/Kolkata Case No. RC0562021S001 dated 16.12.2021 under Sections 34/1485/149/326/354/511/376D/450 of the Indian Penal Code, 1860.

And

In the matter of : Sekh Asraf @ Sk Rahul @ Asraf.

.....Petitioner.

Mr. Joydeep Biswas
Mr. Kunal Ganguly

.....for the Petitioner.

Mr. Amajit De, Special PP, CBI

.....for the CBI.

Learned advocate appearing for the petitioner submits that victim has already been examined and the petitioner was initially granted bail and subsequently the bail application was cancelled by the Hon'ble Supreme Court. There has been complete change of circumstances according to the petitioner after the evidence of the victim is over and it is the contention of the learned advocate that the victim has not implicated the present petitioner in connection with the case.

Learned advocate appearing for the CBI opposes the prayer for bail and draws the attention of the Court to the order passed in Criminal Appeal No(s) 2880 of 2025 by the Hon'ble Supreme Court. Paragraphs 18 and 20 are reduced as follows:

“18. There is prima facie material to establish that the accused persons formed an unlawful assembly and launched a concerted attack on the house of the

complainant vandalising the same and looting away the household articles. The complainant's wife was viciously pulled by the hair and was disrobed. The accused persons were about to assault her sexually when the lady gathered courage to pour kerosene on her body and gave a threat of selfimmolation on which the accused persons including the respondents herein fled away from the complainant's house.

20. *In this background, we feel that there is no possibility of a fair and impartial trial being conducted, if the accused respondents are allowed to remain on bail. Thus, on both counts, i.e., (i) the nature and gravity of the offence which is nothing short of an attack on the roots of democracy and (ii) the imminent likelihood of the accused adversely affecting a fair trial, the bail granted to the accused respondents has to be cancelled.”*

Having considered the observations of the Hon'ble Supreme Court, particularly, with regard to the trial being continued without custodial detention of the present petitioner, I am of the view that this is not a fit case to release the petitioner on bail.

Accordingly, the prayer for bail of the petitioner in CRM (M) 894 of 2026 is **dismissed**.

Repost submitted by the CBI 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.)