

09.02.2026
Serial no. 38
[G.S.D]

CRM (M) 1078 of 2025

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 **Durgapur PS Case No. 436 of 2023 dated 28.08.2023 u/s 370A/372/373/376(2)(n)/120B/34 of the IPC and 4/6/17 of the POCSO Act.**

-And-

In the matter of : Sk. Mustak

... Petitioner(s)

Mr. Jaydeep Biswas
Mr. Kaushik Ghosh

... for the Petitioner(s)

Mr. Rudradipta Nandy, Id. APP
Mr. Soumik Ganguly
Mr. Subhasish Dutta

... for the State-respondent(s)

Report submitted by the State be kept with the record.

I have taken into account the evidence of the victim as well as the complicity of the present petitioner in the alleged offence.

Having considered that the trial of the case is in progress and the evidence of the victim has been recorded, I am of the view that, mere absence of the victim before this court, at the time of hearing of the application, will not prejudice her as further complexities are involved in the present case as the victim is a foreign national.

Taking into account the excesses in the alleged offence for which the present petitioner has been implicated,

the gravity and the heinousness of the same, I am not inclined to enlarge the petitioner on bail

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

Accordingly, CRM(M) 1078 of 2025 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.)