09.10.2026
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sl no. 39
cm

C.R.M.(M) No. 2098 of 2026

In Re : In Re : An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Barasat Police Station Case No.53 of 2023 dated 23.01.2023 Sections 376AB and Section 6 of POCSO .

And

In Re : XXXXX

..... petitioner

Ms. Anita Kaunda,
Ms. Anubrata Dutta

..... for the petitioner

Mr. Indradip Das,
Mr. S. Mazumder

..... for the State

Mr. Aniket Mitra

.... For the De-facto Complainant

1. The learned advocate representing the petitioner indicated the order passed by the Co-ordinate Bench of this Court on 12.02.2026 in CRM (M) 138 of 2026 wherein the Co-ordinate Bench had, inter alia, observed the following statements: set out

"Earlier the High Court directed all the Superintendent of Police to maintain a register in respect of cases under the Special Act. The reports which are being submitted do portray a grim picture before the High Court presently. In three years, if three years, if three witnesses are examined, the same do reflect there is hardly any interest of the prosecution to proceed with the case concerned. The Act was framed pursuant to the United Nations Convention. The police authorities must also understand that above everything, there is an international picture to be portrayed when a prosecution proceeds under the POCSO Act. A register was earlier directed to be maintained. There is no reflection from the

report regarding the cause of delay. Bare one or two days delay cannot wholly have an impact and a reasoning for three years time being consumed in such type of trials are lacking.

The learned Special Court is directed to prepone the date.

The Superintendent of Police, Barasat Police District will take out the register, if any maintained by the concerned district pursuant to the direction passed and ensure that all the witnesses are examined by 30th April, 2026. Similar circumstances arose that is why a register was directed to be maintained. The Superintendent of Police of a district being the head of the district has some onus and accountability from the Inspector-in-Charge as well as all the officers of the district concerned. Merely holding the designation of the superior and enjoying a prime post do not ensure that the ground reality should be ignored by such superior officer. This Court is wholly dissatisfied by the conduct of the prosecution including the energy exerted by the investigating or the prosecuting agency. If required, the Superintendent of Police would request for change of the Public Prosecutor who is conducting the trial.

A compliance report be submitted before this Court on 5th May, 2026."

2. Pursuant thereto, a renewal prayer for bail through the instant application has been filed.

3. The learned advocate representing the petitioner submits of absence of any considerable progress in recording the prosecution witness violating the aforesaid order of the Co-ordinate Bench.

4. Learned advocate representing the de-facto complainant opposed the prayer for bail.

5. The learned advocate representing the State has filed a compliance report stating the reasons on the part of the prosecution to have failed in proceeding with trial.
6. The Trial Court being engaged in SIR proceeding according to the learned advocate representing the State impeded the progress in Trial.
7. The prosecution as well as the investigating agency are to comply with the order passed by the Co-ordinate Bench of this Court as aforesaid within further six months and file a status report.
8. The learned advocate representing the petitioner submitted the accused to have been custody since 24th November, 2024 and the charge sheet to have been submitted on 19.02.2025, however, in the instant case has not been committed till date. The possibility of trial at the present stage being remote, the learned advocate representing the petitioner seeks for grant of bail.
9. The learned advocate representing the State submitted one of the co-accused having been absconding impeded the commitment of the instant police station case. Moreover, the injury report and the statement of wife of the victim recorded under Section 183 of BNNS reflected incriminating statements against the present petitioners directing attributing the commission of the alleged offence to him. The deceased had filed the written complaint which according to the learned advocate representing the State had been construed as the dying declaration.

10. Considering the statements recorded under Section 180 of BNNS and the 183 of BNNS and the gravity and intensity of the alleged offence to be serious in nature the prayer for bail of the petitioner is rejected.

11. Accordingly, the application being CRM(M) 2100 of 2026 is dismissed.

(Ananya Bandyopadhyay, J.)