08.10.2026
Item No.M/L.101
Ct.No.35
dc.
Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (M) 2342 of 2026

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Haroa Police Station Case No. 504 of 2018 dated 29.09.2018 under Sections 376(2)(i)(j)/506/120B of the Indian Penal Code and Sections 4/17 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : **Md Rowshan Alam Mazahiri Kayal @ Rowshan Alam Majahiri @ Mohammad Rowshan Alam Majahiri @ Rowsan Alam Majahiri @ Rawsan Kayal**

... Petitioner.

Mr. Sourav Chatterjee, Sr. Adv.,
Mr. Soumya Nag,
Ms. Namrata Chatterjee

... For the Petitioner.

Mr. Kallol Mondal, Ld. PP.,
Mr. Pritam Roy,
Ms. Triparna Roy

... For the State.

Mr. Kallol Kumar Basu,
Md. Jannat ul Firdous,
Mr. Rajsekhar Hota

... for the *de facto* complainant.

Leave is granted to the learned advocate-on-record of the petitioner to amend the cause title.

Learned senior advocate appearing for the petitioner submits that petitioner is in custody for more than 2 years 1 month, charge-sheet has been submitted, charges have already been framed and till date, only 5 witnesses have been examined out of 26 witnesses cited by the prosecution. It has been submitted that evidence of all the vulnerable witnesses has been completed. As such, petitioner prays for bail.

Learned advocate appearing for the *de facto* complainant opposes the prayer for bail and submits that case is of the year 2018 and petitioner was apprehended in the year 2024.

Learned advocate appearing for the State opposes the prayer for bail and produces the case which includes the medico-legal examination report as well as the statement of the victim recorded under Section 183 of the BNSS.

I have taken into account the evidence of the victim. I find that petitioner is not similarly situated as the other accused persons and still petitioner do not instill confidence that if on bail, he would be available before the court. Having regard to the same, at this stage, I am not inclined to release the petitioner on bail. As such, the prayer for bail of the petitioner is **rejected**.

State is directed to expedite the process of trial. Major list of witnesses be covered within next six months.

Petitioner will approach this Court after the aforesaid time period is over.

Memo of Evidence and report submitted by the learned advocate appearing for the State be kept with the record.

The application for bail, being CRM (M) 2342 of 2026, is, thus, disposed of.

All concerned parties shall act on the server copy of this order duly 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.)