09.10.2026
Item No.M/L.114
Ct.No.35
dc.

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (M) 2444 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 Panskura Police Station Case No. 568 of 2023 dated 04.08.2023 under Section 376(3) of the Indian Penal Code and Section 4(2) of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : **Bapan Sk. @ Sk. Mahabbat Ali**

... Petitioner.

Mr. Abhra Mukherjee,
Ms. Pronoti Goswami,
Mr. Sauradeep Dutta,
Mr. Arpayan Mukherjee,
Mr. Himadree Ghosh

... For the Petitioner.

Mr. Rajendra Banerjee, APP,
Mr. Amit Halder,
Mr. Shivam Mishra

... For the State.

Report submitted by the learned advocate appearing for the State along with the acknowledgement of the private opposite party no.2/*de facto* complainant be kept with the record.

Learned advocate appearing for the petitioner submits that petitioner is in custody for 3 years 2 months and till date, only two witnesses have been examined. It has been submitted that there is no possibility of the trial concluding in near future. As such, petitioner prays for bail.

Learned advocate appearing for the State, on the other hand, opposes the prayer for bail and submits that four

witnesses have already been examined and prosecution intends to examine five more witnesses.

The petitioner is in custody for a substantial period of time. As a matter of last chance, the prosecution is granted time till 15.02.2027 to complete at least examination-in-chief of all the witnesses. In spite of cooperation rendered by the accused, if there is no progress in the trial of the case or the trial cannot be taken to its logical conclusion, in that case learned Trial Court would release the petitioner on bail on such terms and conditions as it deems fit a proper.

It is directed that trial of the case would continue in spite of any resolution of the local Bar and no unnecessary adjournment be granted to any of the parties.

Additionally, if a witness appears before the court for deposition, it must be ensure that said evidence of the witness is completed within the said day or the next date.

At this stage, the prayer for bail of the petitioner is **rejected**.

Learned Trial Court would adhere to the directions passed above.

The application for bail, being CRM (M) 2444 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.)