

10.02.2026

Court No.35.

D/L. 1.

Kausik

(Rejected)

CRM (M) 1899 of 2025

In Re: An Application for Bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023/ Section 439 of the Code of
Criminal Procedure, 1973 in connection with Murutia Police
Station Case No. 141 of 2019 dated 30.07.2019 under Sections
376AB of the Indian Penal Code and Section 6 of the POCSO Act.
And

In the matter of : Paresh Bairagya

.....Petitioner.

Mr. Jaydeep Biswas
Mr. Asraf Mondal
Mr. Kaushik Ghosh

.....for the Petitioner.

Ms. Zareen N. Khan
Mr. Ashok Das

.....for the State.

Learned advocate appearing for the petitioner submits
that the petitioner is in custody for 6 years and 7 months. The
evidence of the victim girl is over as also the vulnerable
witnesses have been examined, as such the petitioner may be
granted bail because of delay in the trial.

Learned advocate for the State submits a report. Report
primarily reflects that the trial has been delayed for witnesses
not being present on the date fixed and also systematic delay.

I have taken into account the merits of the case, partly
the evidence of the victim as well as the medical and injury
report which has been produced by the State. Primarily, I find

that so far as the merits of the case is concerned, the same is tilted in favour of the prosecution. It is also evident that the witnesses who are left to be examined are the Medical Officers and the Police witnesses concerned. There are certain systematic delays which are beyond the control of the prosecution also, particularly only one Court is operating in the sub-division concerned.

Having regard to the same and taking into account the merits of the case, I am of the opinion that delay alone cannot be the factor for consideration of bail of the present petitioner.

As such the prayer for bail of the petitioner is **rejected**.

Accordingly, CRM (M) 1899 of 2025 is **dismissed**.

Case diary be returned to the learned advocate appearing for the State.

Report submitted 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.)