09.10.2026
Item No.3
Ct.No.35
dc.
Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (M) 2553 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 Rabindranagar Police Station Case No. 111 of 2022 dated 12.05.2022 under Sections 376(2)(a)/376(3)/506 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : **Sk. Badsha**

... Petitioner.

Mr. Deepak Prahladka,
Mr. Sarfaraz Hossain,
Ms. Reshmi Khatun

... For the Petitioner.

Mr. Krishnendu Bhattacharya, APP,
Ms. Priti Kar Bagchi

... For the State.

Ms. Anasuya Bhattacharya,
Ms. Munmun Chakraborty

... For the *de facto* complainant.

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.

Memo of Evidence submitted on behalf of the State be also kept with the record.

Learned advocate appearing for the petitioner submits that petitioner is in custody for 4 years 6 months and prosecution would consume some more time to complete the examination of witnesses as for the last nine months, no witness was present before the court.

Learned advocate appearing for the *de facto* complainant opposes the prayer for bail as the incident complained of involved serious ramifications.

Learned advocate appearing for the State also opposes the prayer for bail and produces the Memo of Evidence which reflects that seven more witnesses are required to be examined by the prosecution.

Having considered that the petitioner is in custody for 4 years 6 months, I am of the opinion that only on the ground of long incarceration and without entering into the merits of the case, petitioner be released on bail. As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner viz., **Sk. Badsha** shall be released on bail upon furnishing bond of Rs.20,000/-, with two sureties of Rs.10,000/- each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Alipore.

If on bail, the petitioner shall be physically present on each and every date before the learned Trial Court and shall not leave the jurisdiction of the district of South 24-Parganas without prior permission of the learned Trial Court.

Additionally, the petitioner shall report to the Officer-in-Charge/Inspector-in-Charge, Rabindranagar Police Station once in every fortnight till the evidence of all the prosecution witnesses is over.

The observations made above are only restricted for adjudication of the bail application and should not be considered a final opinion on the merits of the case.

The application for bail, being CRM (M) 2553 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.)