

10.02.2026
Serial no. 195
[G.S.D]

CRM (M) 2419 of 2025

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure, 1973/under Section 483 of the BNSS, 2023 in connection with **Garhbeta Police Station Case No. 483 of 2022 dated 08.08.2022 u/s 363/365/34 & adding Section 376(3) of the IPC, 1860 & 6 of POCSO Act corresponding to POCSO Case No. 94 of 2022.**

-And-

In the matter of : Hafijul Bhangui

... Petitioner(s)

Mr. Sabir Ahmed
Mr. Sudip Kushari

... for the Petitioner(s)

Mr. Iqbal Kabir
Mr. Prakash Mishra

... for the State-respondent(s)

Mr. Arindam Jana
Mr. Yuvraj Chatterjee

... for the defacto-complainant(s)

Learned advocate for the petitioner submits that the petitioner is in custody for more than a year and there is no possibility of the trial commencing very soon, since the other accused persons are evading the process of law. Learned advocate also added that the police authorities have neither attempted to trace out the other accused persons nor the prosecution has put in efforts for progress of the trial of the present case.

Learned advocate for the defacto-complainant submits that the petitioner was initially granted anticipatory bail, thereafter, he surrendered before the court, but,

because of his post-bail conduct, his bail was cancelled. The petitioner, thereafter, surrendered and is in custody.

Learned advocate for the State submits that the present petitioner's name is appearing in the FIR.

Learned advocate for the petitioner, on the other hand, submits that so far as the offence under the POCSO Act is concerned, the charge against the present petitioner is under Section 17 of the POCSO Act which is for abetment.

I have taken into account whole of the circumstances of the case and I find that there were observations of the learned Sessions Judge while cancelling the bail that the victim had been subjected to assault and she was also referred to Medinipur Medical College and Hospital from the local hospital concerned.

Learned advocate for the petitioner submits that there are cases which have been instituted at the instance of the defacto-complainant and his relations also and a long standing dispute is existing wherein the petitioner has been victimized.

Having considered the fact that continuous dispute is existing between the petitioner and the defacto-complainant and/or their family members as also the fact that other accused persons are absconding, so far as the present petitioner is concerned, although, he is in custody but there are recent incidents complained of by the family members of

the defacto-complainant with the local police authorities, as such I am not inclined to enlarge the petitioner on bail.

Hence, the prayer for bail of the petitioner is **Rejected.**

However, the learned Special Court is directed to exhaust the process of law so far as the other accused persons are concerned and split up the trial of the case at the earliest preferably within a period of three months from the date of communication of this order.

The petitioner would be at liberty to renew his prayer for bail after the aforesaid period is over.

Accordingly, CRM(M) 2419 of 2025 is **dismissed.**

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

