

16.02.2026

Court No.35.

M/L. 243.

Kausik

(Rejected)

CRM (M) 2500 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 Magrahat Police Station Case No. 98 of 2021 dated 12.04.2021 under section 341, 323, 506, 376DA of the Indian Penal Code and Section 6 of the POCSO Act, 2012.

And

In the matter of : XXXXX

.....Petitioner.

Mr. Deepak Prahladka

.....for the Petitioner.

Mr. Pritish Bandyopadhyay

Mr. Apan Saha

....for the Defacto.

Mr. Arindam Sen

Mr. Sandip Kundu

.....for the State.

Learned advocate appearing for the petitioner submits that petitioner is in custody for 4 years and 10 months.

On the other hand, learned advocate for the State submits that 26 witnesses have been examined and 3/4 witnesses are to be examined.

Learned advocate for the State submits that an application under Section 311 of the Cr.P.C. has been filed at the behest of the prosecution, as such there is no scope of the trial concluding in near future.

So far as the merits of the case are concerned, prima facie, I am of the view that there are corroborations between the statement made by the victim and the medical documents concerned. However, I leave it to the Trial Court to decide on the merits of the case but at the same time within a framework of schedule the trial should complete.

Petitioner claims to be in custody for 4 years and 10 months. At this stage, if an application under Section 311 of the Cr.P.C. is filed, it would have been prudent by the learned Trial Court to dispose of the same considering the issue of ends of justice. If the witness to be recalled, the witness must be completed within a period of 7 days from the date of recall, if any. So far as the other witnesses are concerned, prosecution would complete the same by 30th April, 2026.

Learned Trial Court would give priority to this particular case considering the period of detention of the present petitioner and would continue with the process and progress of the proceeding in spite of any resolution of the local bar.

No unnecessary adjournment be granted to any of the parties at this stage.

However, having considered the merits and the final stages of the case, I am not inclined to release the petitioner on bail.

Accordingly, CRM(M) 2500 of 2025 is **dismissed**.

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.)