

07.04.2026

Item No.14

Ct.No.35

dc.

Rejected

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (M) 39 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 Gaighata Police Station Case No. 247 of 2024 dated 15.03.2024 under Section 376(2)(1) of the Indian Penal Code.

And

In Re : **Balaram Biswas**

... Petitioner.

Mr. Apalak Basu,
Mr. Nazir Ahmed,
Ms. Sarnali Gupta

... For the Petitioner.

Ms. Shaila Afreen,
Ms. Dhanasree Biswas

... For the State.

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

Learned advocate appearing for the petitioner submits that the petitioner is in custody for two years and till date, eight witnesses have been examined. However, prosecution has filed an application for recalling under Section 311 of the Code of Criminal Procedure for examination of five more witnesses. As such, petitioner may be released on bail.

Learned advocate appearing for the State, on the other hand, opposes the prayer for bail and draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure as well as the report of medico-legal examination.

Having considered that the petitioner is in custody for two years, as a matter of last chance, I grant opportunity to the prosecution to complete the evidence of all the witnesses within a period of five months from the next date fixed.

Petitioner would be at liberty to approach this Court after the aforesaid time period is over.

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

The application for bail, being CRM (M) 39 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.)