

February 17, 2026

107 ARDR

Allowed

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 42 of 2026

In Re : An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with **Gorubathan**
Police Station case no. **24** of **2023** dated **6/9/2023** under Sections
363/365/120B/506 of the IPC and Section **6** of POCSO Act.

And

In Re : **Jitman Rai**

... Petitioner

Adv. Pratap Khati,
Adv. Avinash Kalikotey,
Adv. Nishant Nav Rasaily,

...for the petitioner.

Adv. Nilay Chakraborty,
Adv. Kallol Nag,

...for the State.

The petitioner is in custody for more than 900 days and prays
for bail.

Learned counsel for the petitioner submits that the petitioner
has been falsely implicated. After the victim girl gave birth to a child,
the victim's mother sold out the child for which she is also
anaccused in the present case.

Learned counsel for the State opposes the prayer.

I have considered the material on record.

The petitioner is in custody for a considerable period of time.
The petitioner says that only one witness has been examined so far
out of 27 witnesses. There is remote possibility of completion of trial
in near future.

Considering the period of incarceration of the petitioner, this Court is inclined to release the petitioner on bail primarily on the touchstone of Article 21 of the Constitution of India, without going into the merits of the case.

Accordingly, the prayer for bail is allowed.

The petitioner namely Jitman Rai be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom should be local, to the satisfaction of the learned Additional Sessions Judge, (POCSO) Kalimpong subject to condition that he shall appear before the learned trial Court on every date of hearing. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions as stated above without justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

CRM (M) 42 of 2026 is thus disposed of.

Case Diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of this order, if applied for, be given to the parties, upon compliance with all requisite formalities.

(Suvra Ghosh, J.)