

02.07.2026
Sl. No.35
Court No.7
Susanta

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

CRM (M) 130 of 2026

In Re: An application for bail under Section 483 of the Bharatiya Nagrik Suraksha Sanhita 2023 filed in connection with Phansidewa Police Station Case No.383 of 2023 dated 12.11.2023 under Sections 376/506 of IPC read with Section 6 of POCSO Act.

In Re : Biswajit Mandal.

... *Petitioner.*

Mr. Arunava Paul

... *for the Petitioner.*

Mr. Avrojoyoti Das, Ld. APP

Mr. Gobinda Ghosh

... *for the State.*

Mr. Avimannu Das

... *for the de facto.*

1. The petitioner is in custody for two years and five months.
2. It has been submitted that despite direction passed by the Court on 12th February, 2026 in CRM(M) 415 of 2025 for conclusion of the trial within two months from the next date of evidence, the trial is proceeding at a very slow pace. Out of eleven witnesses, only two have been examined. The petitioner is languishing in jail only for the delay in conclusion of the trial.
3. Prayer for bail has been renewed.
4. It has been submitted that the de facto complainant does not have any objection if the prayer for bail of the petitioner is allowed.
5. In support of such submission, learned advocate for the petitioner relies upon a writing allegedly signed by the mother of

the victim mentioning that she does not have any objection if the petitioner is granted bail.

6. It has been submitted that the said writing has been submitted by the de facto complainant before the learned Trial Court.
7. Learned advocate representing the de facto complainant submits that the de facto complainant or her family does not have any objection if the prayer for bail of the petitioner is allowed.
8. The learned advocate representing the State respondents produces the case diary and strongly opposes the prayer for bail.
9. It has been submitted that the victim was 12 years of age on the date of the incident. She was threatened by the petitioner disclosing that he would publish the photographs clicked by him in his mobile phone and make the same viral.
10. It has been submitted that the next date scheduled for recording evidence of the witness is 3rd July, 2026 and 4th July, 2026.
11. The Case Diary is perused and returned.
12. Upon hearing the submissions made on behalf of all the parties and on perusal of the case diary the Court is of the opinion that the prayer for bail of the petitioner ought not to be allowed at this stage.
13. The trial appears to be proceeding very slowly. Direction was passed for conclusion of the trial at the earliest.
14. The writing of the mother of the de facto complainant, relied upon by the petitioner, supported by the learned advocate

representing the de facto complainant, for not raising any objection to the grant of bail of the petitioner raises grave doubts in the mind of the Court as to whether such writing has been obtained under pressure, coercion or threat by the family members of the accused/petitioner.

15. Under such circumstances, the prayer for bail of the petitioner stands **rejected**.
16. The trial court is directed to conclude the trial at the earliest without granting any unnecessary adjournment to either of the parties. Recording of evidence of the witnesses shall be concluded at the earliest.
17. Undated writing handed over by the learned advocate appearing for the petitioner allegedly signed by the mother of the de facto complainant produced in Court today by the learned advocate representing the petitioner be retained with the records.
18. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.
19. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)