CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

26.11.2026
Ct No.5
Item No.30
Chanchal

CRM (M) 251 of 2026

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kotwali(Cooch Behar) Police Station Case No. 808 of 2024 dated 06.08.2024 under Sections 137(2)/140(3)/49 of BNS adding Section 6 of POCSO Act, 2012 (Corresponding to POCSO Case No. 57 of 2024).

And

In Re: Kuddus Rahaman

.....Petitioner

Mr. Sayantan Bhowmik

...for the petitioner

Mr. Avrojyoti Das, ld. A.P.P.
Mr. Gobinda Ghosh, Adv.
Mr. Atul Dong

...for the State.

Mr. Hillol Saha Podder, Adv.

... for the de-facto complainant

1. In compliance with the order dated 17th November, 2026 the Learned Advocate representing the State has placed a report filed on behalf of the Kotwali Police Station case No. 808 of 2024 dated 26th November, 2026. Let the said report be kept on record.
2. A copy of the said report be furnished upon the Learned Advocate representing the petitioner.
3. The report as aforesaid stated the father of the VG to have been examined as P.W.1 on 09.01.2026. The victim girl did not appear before the Court on 06.12.2025, 18.06.2026, 03.08.2026 and 24.09.2026 and the next date had been fixed for examination of

the victim girl on 10th December, 2026 as CSW 5 and the examination of CSW 2 and 4 on 11th December, 2026.

4. The petitioner has been in custody since 27.01.2025. The conduct of the prosecution in failing to examine the victim girl despite dates being fixed for her appearance for recording evidence delayed the process of trial to the prejudice of the petitioner-. Accordingly, the petitioner is entitled to be released on bail.

5. Accordingly, Petitioner, namely, Kuddus Rahaman shall furnish bond of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of like amount each, one of whom must be local to the satisfaction of Learned Additional Sessions Judge (POCSO) 2nd Court, Cooch Behar.

1. The petitioner shall be physically present on each and every date fixed before the learned Trial Court and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition shall not leave the jurisdiction of the learned Trial Court without prior permission of the same. The petitioner shall submit the address of residence to the learned Trial Court along with the mobile number not to be changed without prior permission of the Trial Court and he will meet the Officer-in-Charge of the concerned Police Station once in a fortnight until further orders.

2. In the event the petitioner fails to appear before the trial Court without justifiable cause, the trial Court shall be at liberty to cancel his bail automatically without reference to this Court.

3. The learned Trial Court is to expedite the process of recording the evidence of victim girl as well as the other witnesses without any adjournment to either of the parties.

4. Accordingly, CRM (M) 251 of 2026 is allowed.

5. The Investigating Officer is present in Court today. His personal appearance is noted and dispensed with.

6. The learned Registrar Circuit Bench, Jalpaiguri is directed to communicate this order to the concerned Trial Court for immediate compliance.

7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Ananya Bandyopadhyay, J.)