CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

16.11.2026
ct 5
sl no.12
DB/CM

C.R.M. (M) 264 of 2026

In Re : An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Ghoksadanga P.S. Case No. 438 of 2023 dated 04.09.2023 under Sections 313/506/34 IPC read with section 6 of POCSO Act.

Rejected

In Re : Kasem Ali Mia

..... petitioner

Mr. Subhasish Misra, Adv.
Mr. Satyajit Paul, Adv.
Mr. Rounak Ghosh, Adv. ..... for the petitioner

Ms. Panchali Deb Sikder (Nag), Adv.
Ms. Ruchika Agarwala, Adv.
Ms. Baishali Chakraborty, Adv.
.... for the State

Mr. Bikash Singha, Adv.
.... for the de-facto complainant/victim

1. The Learned Advocate representing the petitioner submitted the petitioner to be in custody for 3 years 2 months. He further urged that the trial has not proceeded after the charges to have been framed on 3rd February, 2026. He further relied upon a decision in **Manish Sisodia Vs. Directorate of Enforcement**[1] whereby the petitioner therein had been granted prayer for bail after being in custody for 17 months without the trial to have proceeded as mentioned therein.

2. The Learned Advocate representing the State submitted the victim to be 14 years of age who had been subjected to rape by the petitioner and thereafter the foetus to have been aborted on the 5th

[1] 2024supreme(SC) 645

month of her pregnancy. She vehemently opposed the prayer for grant of bail.

3. The Learned Advocate representing the de-facto complainant conceded to such objection by the Learned Advocate representing the State.

4. The narrative of the complaint, the statement recorded under Section 164 of the Cr.PC at page-76 of the case diary, the medical documents recorded in pages-87, 109, 112, 113, 114 and 115 reflected incriminating materials against the petitioner at the preliminary stage. Therefore, this Court is not inclined to grant the prayer for bail.

5. The Learned Trial Court as well as the Learned Advocate representing the prosecution before the Trial Court is to expedite the process of trial. The Learned Trial Court shall not unnecessary grant of adjournment to either of the parties disregarding cease work, if at all, called by the local Bar.

6. The Learned Advocate representing the petitioner may advise the petitioner to renew the prayer for bail after the evidence of the vulnerable witnesses is recorded.

7. The application being CRM(M) No. 264 of 2026 is disposed of.

8. Copy of the order be communicated to the Learned Registrar, Jalpaiguri and the concerned Trial Court forthwith.

9. The case diary be returned.

(Ananya Bandyopadhyay, J.)