S.L.28.
Ct. 05

08.10.2026
Bd.
Rejectd.

**In the High Court at Calcutta**

**Circuit Bench at Jalpaiguri**
**CRM (M) 300 of 2026**

**Nazrul Islam @ Najrul Islam**

**Vs.**

**State of West Bengal & Anr.**

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Jalpaiguri Police Station case no. 867 of 2025 dated 22.12.2025 under Sections 64 of BNS .

Mr. Sourav Kar
Ms. Tanushree Baishya
...for the petitioners
Mrs. Panchali Deb Sikdar (Nag)
Mrs. Smita Mitra Sinha
Mr. Rajyashree Ghosh ... for the State.

Affidavit of service filed by the petitioner is taken on record.

Petitioner has prayed for bail contending that he was arrested on 22.12.2025 and he is in custody for about 291 days.

He further submits that though charge-sheet has been submitted but the charge hearing has not been done and the next date is fixed on 10th December, 2026. He further submits that the petitioner has been falsely implicated and the entire incident narrated in the FIR is false and fabricated.

The allegation against the petitioner is that victim lady i.e., the complainant was suffering from illness and for her recovery she along with her friend went to the petitioner for exorcisms. Taking advantage of such

situation and her helplessness, the petitioner allegedly committed forcefull sexual intercourse with the complainant.

In support of the prayer for bail petitioner's counsel submits that petitioner is a senior citizen aged about 61 years and is suffering from different age old ailments and he is the sole bread earner. In this case victim refused to undergo medico legal examination. The prosecution only relied upon the statements recorded during investigation under section 164 of the Cr.P.C, but since it is not a substantial piece of evidence it is not enough to convict the petitioner with such statements during trial. Therefore, further detention of the present petitioner is not warranted and as such he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State opposed the bail prayer, contending that sufficient incriminating materials have been collected during investigation, which clearly constitutes the heinous offence against the petitioner.

Having considered the submissions made on behalf of the petitioner and the State and also upon perusal of the materials collected during investigation, the prayer for bail made by the petitioner is rejected.

However, the Trial Court is directed to expedite the trial since the petitioner is suffering incarceration for a long period of time.

Accordingly, CRM (M) 300 of 2026 is disposed of.

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

**(Dr. Ajoy Kumar Mukherjee, J.)**