

03.08.2026

Item No.8

Ct.No.35

dc.

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (M) 783 of 2026

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Sarenga Police Station Case No. 01 of 2021 dated 03.01.2021 under Sections 376(2)1/376D of the Indian Penal Code, 1860 (G.R. Case No. 04 of 2021).

And

In Re : **Saddam Hossain @ Putia @ Saddam Hossain Sk**
... Petitioner.

Mr. Soumik Ganguli
... For the Petitioner.

Mr. Suman Chakraborty
... For the State.

Mr. Arani Bhattacharyya
... For the *de facto* complainant.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for more than five and a half years.

Learned advocate appearing for the *de facto* complainant opposes the prayer for bail.

Learned advocate appearing for the State, on the other hand, opposes the prayer for bail and draws the attention of the Court to the earlier order dated 07.04.2025 wherein a submission was advanced on behalf of the State that two more witnesses are remaining to be examined and examination of witnesses shall be completed within three months from date of the said order. Today, after 1 year 3 months, when the same bail application has been preferred, it has been submitted by the State that charge-sheet refers

to 20 witnesses and 16 witnesses have already been examined.

There is no progress in the case for the last 1 year 3 months. Memo of Evidence which has been submitted is silent on the issue relating to progress of the case from April, 2025 to August, 2026. Main emphasis has been made on the merits of the case and all the previous rejections. Previous rejections of the bail of the present petitioner were because of the submission advanced on behalf of the State that they would conclude the prosecution witnesses. No endeavour has been made to conclude the evidence before the learned Trial Court. As such, without entering into the merits of the case and only on the ground of detention of the present petitioner and the fact that there has been lack of prosecution efforts to take the trial to its logical conclusion, I am inclined to release the petitioner on bail. As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner viz., **Saddam Hossain @ Putia @ Saddam Hossain Sk** shall be released on bail upon furnishing bond of Rs.20,000/-, with two sureties of Rs.10,000/- each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Khatra, Bankura.

If on bail, the petitioner shall be physically present on each and every date before the learned Trial Court and shall not leave the jurisdiction of the district of Bankura without prior permission of the learned Trial Court.

The petitioner also shall not enter into the jurisdiction of Sarenga Police Station without prior permission of the learned Trial Court.

Memo of Evidence submitted by the learned advocate appearing for the State be kept with the record.

The application for bail, being CRM (M) 783 of 2026, is, thus, disposed of.

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

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

(Tirthankar Ghosh, J.)