

27.07.2026
Serial no. 47
Court no. 9
(Rejected)
(S. A.)

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (M) 188 of 2026

In re : An Application for Bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with Kharibari Police
Station Case No. 299 of 2024 dated 28.09.2024 corresponding to
Special POCSO Case No. 116(09) of 2024.

-And-

In the matter of : **Rajesh Paswan**

... .. Petitioner

Ms. Rina Sarkar, Advocate
Ms. Sidhi Sethia, Advocate,
Mr. Dhruba Saha, Advocate

... .. For the Petitioner

Mr. Avrojoyoti Das, Ld. APP.
Mr. Raj Kumar Mitra, Advocate
Ms. Madhushri Dutta, Advocate

... ..For the State

1. Petitioner prays for bail.
2. The Affidavit-of-Service is filed today in Court be taken
on record.
3. None appears for the de facto complainant, despite
service.
4. The learned Advocate for the petitioner places the
application for bail. It is submitted by learned Advocate
for the petitioner that the petitioner was in a
relationship with the victim girl. There are no materials

that the petitioner committed sexual assault upon the victim. He has been falsely implicated in this case due to such relationship. It is further submitted by learned Advocate for the petitioner that other accused persons were granted bail by this Court by an Order passed on December 16, 2025 in C.R.M. (M) 326 of 2025. She submits that the case of the petitioner stands on similar footing to that of the other accused persons who were granted bail.

5. Learned Advocate for the petitioner also submits that the petitioner has been in custody for one year and ten months. Charge-sheet in the case has been submitted in the year 2024. Since then the petitioner has been languishing in jail. The case is still pending for service report as some of the accused persons are still absconding. Learned Advocate for the petitioner also submits that there is hardly any possibility of conclusions of trial in near future. Other accused persons are on bail.
6. In such circumstances, learned Advocate for the petitioner prays for bail.
7. Learned Advocate for the State relies upon various materials in the case diary. She refers to the statement of the victim and other witnesses including the minor brother and sisters of the victim recorded under Section

183 of BNSS. It is submitted by learned Advocate for the State that the aforesaid statements including the statement of other witnesses recorded by the Investigating Officer squarely implicates the petitioner in the commission of the offence.

8. It transpires that the case was started against the petitioner and many other accused persons under Sections 137(2)/126(2)/115(2)/351(2)/70(2)/3(5) of the BNS. The petitioner is alleged to have taken away the victim from her house and committed gang rape along with the other accused persons until she was recovered by her grand-mother.
9. Subsequently, a charge-sheet under the aforesaid Sections along with Section 6 of the POCSO Act was submitted against the petitioner and other accused persons. Other accused persons were granted bail by this Court on December 16, 2025 vide order passed in C.R.M. (M) 326 of 2025. It was noted by a co-ordinate Bench of this Court, in such order, it was noted that there appeared direct allegations against the present petitioner, unlike other petitioners against whom no such direct allegation was available in the materials on record. Such finding was arrived at by the co-ordinate Bench upon the perusal of the case diary.

10. I have also gone through the statement of the victim and other witnesses recorded under Section 183 of BNSS. The victim herself directly implicates the present petitioner in the commission of the offence.

11. Considering the aforesaid facts and circumstances, and the gravity of the offence, I am not inclined to grant bail to the petitioner.

12. Prayer for bail of the petitioner is rejected.

13. **C.R.M. (M) 188 of 2026** is **dismissed**.

(Md. Shabbar Rashidi, J.)