

10.03.2025

Item no.17.

Court No.29.

S. De
(Allowed)

CRM (DB) No. 243 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Polba Police Station Case No. 143** of **2020** dated **22.09.2020** under **Sections 366A/370/370A/372/373/376/120B** of the Indian Penal Code & **Sections 3/4/5/6/7/8 of Immoral Trafficking Prevention Act** read with Sections 6/8/12/17 of the Protection of Children from Sexual Offences Act (POCSO), 2012 **and** charge was framed under **Sections 366A/370A(i)/372(3)/109/120B** of the Indian Penal Code and **under Sections 4/17** of the Protection of Children from Sexual Offences Act (POCSO), 2012.

And

In the matter of : Raj Kumar Das @ Swapan. ...Petitioner.

Mr. Joydeep Biswas,

Mr. Manojit Debnath,

Ms. Aatreya Mukherjee,

Mr. Kaushik Ghosh,for the Petitioner.

Mrs. Anasuya Sinha,

Mr. Sharequl Haque,for the State.

Mr. Rameshwar Sinha,

Ms. Zothanpuui Varte, ...for the victim girls.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records.
2. We see that 10 out of 33 chargesheet named witnesses have been examined so far, including the 9 victim girls. 5 of the victim girls have not identified this petitioner. The petitioner is in custody for about four and half years. There is no possibility of an early conclusion of the trial.
3. We further see that in another case, in connection with which the petitioner was arrested, he has been granted statutory bail by this Court.

4. Be that as it may, we do not see that there is any possibility of an early conclusion of the trial in this case. 23 more witnesses remain to be examined by the prosecution. The petitioner is in custody for a very long period of time. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India and noting that all other accused persons are on bail, we allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Raj Kumar Das @ Swapan** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Judge, Special Court (under POCSO Act), Chinsurah, Hooghly, subject to the conditions that the petitioner shall not leave the jurisdiction of the Polba police station except for attending the court proceedings and shall meet the Inspector-in-Charge of the Polba police station once in every week, until further orders.
6. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
7. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.
8. The application for bail is, accordingly, allowed.

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

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)