

39. 28.02.2025
Court
No.29 (Tanmoy)

Allowed

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (DB) 324 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Baguiati** Police Station Case No. **794/2023**, dated **24.11.2023** under Section **6** of POCSO Act, 2012.

And

In the matter of: - **RABI DAS**

...petitioner.

Mr. Nilanjan Adhikari

Ms. Oindrila Sinha

Mr. Nitin Sharma

...for the petitioner.

Ms. Sudeshna Das

...for the State.

Mr. Sauradeep Dutta

...for the *de facto* complainant
through legal aid.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was earlier rejected on September 3, 2024, by an order passed in CRM (DB) 2557 of 2024. While rejecting his prayer, a co-ordinate Bench had directed the learned Trial Court to consider the issue of framing of charge positively on the next date fixed for the same and if charge was framed then to expedite the trial and conclude the same on an early date and preferably within a year from the date of framing of charge.
2. We are told that the next date fixed was September 11, 2024. The issue of framing charge was not taken up on that date as the Special Public Prosecutor in-charge was not available.

Thereafter, several dates were fixed but the issue of framing of charge was not taken up again apparently for non-availability of the Special Public Prosecutor in-charge.

3. We find that presently the petitioner is in custody for more than one year and three months. The issue of framing of charge is pending for a long time, since February 29, 2024. Charge-sheet was filed in December, 2023.
4. We further see that there are 13 charge-sheet named witnesses. Hence, there is no possibility of an early conclusion of the trial.
5. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we are constrained to allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely, **RABI DAS** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Judge, Special Court (under POCSO Act), Barasat, North 24-Parganas, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not enter the territorial jurisdiction of Baguiati Police Station and shall furnish his present address to

the Officer-in-Charge/Inspector-in-Charge of the said Police Station as well as to the learned Trial Court and shall meet the Inspector-in-Charge/Officer-in-Charge of the concerned Police Station, within whose jurisdiction he shall be presently residing, once every week, until further orders.

7. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
8. The application for bail being CRM (DB) 324 of 2025 is accordingly disposed of.
9. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)