

53.
20-02-2025
(ct. no.29)
pg/RUP
(allowed)

CRM (DB) 325 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Serampore Police Station Case No.446 of 2021 dated 24-11-2021 under Section 376(3) of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act, 2012.

- A n d -

In the matter of : Deb Kumar Das

.... Petitioner

Ms. Jeenia Rudra

... For the Petitioner

Ms. Basali Basu
Mr. Tirupati Mukherjee

... For the State

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was lastly rejected on September 25, 2024 in CRM (DB) 2674 of 2024. While rejecting the prayer for bail, this Bench had directed the learned Trial Court to expedite the trial and conclude the same on an early date and positively by the end of the year.

2. Learned advocate for the petitioner complains that after that order was passed, only one witness has been examined by the prosecution. On several dates, witnesses did not turn up. The petitioner is now in custody for about three years two months.

3. Learned advocate for the State says that the prosecution will examine three more witnesses. There are

sufficient incriminating materials against the petitioner. The bail prayer should be refused.

4. The petitioner has been in judicial custody for a very long period of time. In spite of our direction, the trial has not concluded by the end of 2024. Whatever be the strength of the prosecution case, we make no comment on that. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, considering the length of detention of the petitioner, we feel constrained to allow the petitioner's prayer for bail.

5. Accordingly, we direct that the petitioner, namely, **Deb Kumar 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 learned Judge, Special Court-cum-Additional Sessions Judge, 1st Court, Serampore, Hooghly. 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. The petitioner shall remain within the territorial limits of Serampore Police Station except for the purpose of attending the court proceedings and shall appear before the Officer-in-Charge/Inspector-in-Charge of the Serampore Police Station once in every week, until further orders. The petitioner shall, through his learned advocate, inform the learned trial Court and Serampore Police Station his current local address at Serampore where he shall be residing while on bail. The petitioner shall not enter the locality where the victim girl resides.

6. In the event the petitioner fails to comply with any of the conditions stipulated above without any justifiable cause, the learned trial Court shall be at liberty to cancel the

bail in accordance with law without further reference to this Court.

7. The application for bail is, thus, **allowed**.

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

9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)