

CRM (DB) 420 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Jadavpur Police Station** Case No. **216 of 2018** dated **15.06.2018** under Sections **366A/370/372/373/376/120B** of the Indian Penal Code and Sections 4/14 of the POCSO Act and Sections 3/4/5/7 of the Immoral Traffic (Prevention) Act.

- A n d -

In the matter of : Ashis Halder

.... Petitioner.

Mr. Deepak Prahladka,
Ms. Reshmi Khatun,

... For the Petitioner.

Mr. Bitasok Banerjee,
Mr. Akash Ganguly,

... For the State.

Mr. Rameswar Sinha,
Mr. Z. P. Varte,
Mr. T. Roy,

.... For the defacto complainant.

Order dictated by Arijit Banerjee, J.:

1. The petitioner prays for bail on the ground of very long detention in custody and unsatisfactory progress in the trial. He says that he is in custody for about 6 years 8 months. Only 5 out of 16 charge sheet named witnesses have been examined. There is no possibility of an early conclusion of the trial. On the touchstone of Article 21 of the Constitution of India, he prays for bail.

2. Learned State Advocate says that the prosecution alone is not to be blamed for the delay. A co-accused person by the name of Tapasi Halder, took adjournments on various occasions. The State proposes to examine 8 more witnesses. All efforts will be made to conclude the trial on an early date.

3. Learned Advocate for the defacto complainant while opposing the bail prayer, says that the depositions of the witnesses so far examined implicate this petitioner.

4. We have seen the status report filed by the State and the orders recorded by the learned Trial Court. It cannot be said that this petitioner is wholly responsible for the delay in trial. There have been several instances when the witnesses did not turn up. We find that the petitioner is a senior citizen aged about 63 years. The co-accused person who took adjournments on several occasions, has been enlarged on bail. We also do not see the real possibility of an early conclusion of the trial.

5. Hence, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we are inclined to enlarge the petitioner on bail.

6. Accordingly, we direct that the petitioner, namely, **Ashis Halder**, 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 Special Judge under the POCSO Act, Alipore, South 24 Parganas subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and on further conditions that the petitioner while on bail shall not leave the jurisdiction of the concerned Police Station except for the purpose of attending court proceedings and shall meet the I.C./O.C. of the concerned Police Station once in a week until further orders.

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.)