

05.03.2025

Item no.54.

Court No.29.

S. De
(Allowed)

CRM (DB) No. 464 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 **Dum Dum Police Station Case No. 623 of 2022** dated **26.08.2022** under **Sections 366A/370/370A/372/373/34** of the Indian Penal Code & **Sections 3/4/5/7/9 Immoral Trafficking Prevention Act & Sections 6/17** of the Protection of Children from Sexual Offences Act (POCSO), 2012.

And

In the matter of : Dipu Debnath @ Paresh Debnath.
.....**Petitioner.**

Mr. A. Jana,
Mr. Subhojit Chowdhury,for the Petitioner.

Mr. Parthapratim Das,
Mr. Mainak Gupta,for the State

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing orders dated January 15, 2025 and February 25, 2025 passed respectively in CRM (DB) 3845 of 2024 and CRM (DB) 389 of 2025, whereby a co-ordinate Bench enlarged on bail two co-accused persons by the names of Nazma Bibi and Kumkum Chakraborty, on the ground of delay in progress of trial. This petitioner says that he is in custody for 2 years and 5 months. Only 1 out of 16 chargesheet named witnesses have been examined. He stands on the same footing as Nazma Bibi and Kumkum Chakraborty in so far as delay in progress of trial and period of detention are concerned.
2. Learned State advocate, while opposing the prayer, does not dispute that in so far as period of detention and progress in trial

are concerned, this petitioner is similarly circumstanced as the aforesaid two persons.

3. Hence, on the ground of parity, we allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **Dipu Debnath @ Paresh Debnath** 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), Barrackpore subject to the conditions that the petitioner shall not leave the jurisdiction of the concerned police station and shall meet the Inspector-in-Charge of the concerned police station once in a fortnight, until further orders.
5. 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.
6. 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.
7. The application for bail is, accordingly, allowed.
8. From the service report filed by the State, we see that the victim girl could not be traced out and, therefore, could not be served with the notice of this application.

9. The Officer-in-Charge, Dum Dum Police Station is directed to make all endeavours to trace out the victim girl and produce her before the learned Trial Court.
10. Learned Registrar General-in-charge is requested to communicate this order to the Officer-in-Charge, Dum Dum Police Station.
11. 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.)