

10.03.2025
Item no.59.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 536 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. 354 of 2021** dated **20.03.2021** under **Sections 342/326/308/188/34** of the Indian Penal Code & **Sections 8/12** of the Protection of Children from Sexual Offences Act (POCSO), 2012.

And

In the matter of : Pradyut Chowdhury. ...Petitioner.

Mr. Debasis Kar, for the Petitioner.

Mr. Rameshwar Sinha,
Mr. Mujibar Ali Naskar, ...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner complains of inordinate delay in trial. He says that he is in custody for about 4 years. Only 1 out of 19 chargesheet named witness has been examined, that too, in part. Even on merits, he says that the witnesses whose statements have been recorded by the Investigating Officer, have implicated his wife and not him. He prays for bail both on merits and on the touchstone of Article 21 of the Constitution of India.
2. Opposing the prayer, learned State advocate says that the injury inflicted on the victim girl, 9 years old at the time of the incident, by the accused persons, was extremely grievous. There is sufficient incriminating material against the accused persons including this petitioner.

3. The prosecution may have the strongest possible case to secure the petitioner's conviction. Nobody stops the prosecution from doing so. However, an undertrial accused cannot be detained in judicial custody for an unreasonably long a period of time pending disposal of the trial. 4 years is far too long a period of time to keep an undertrial in incarceration without there being any appreciable progress in the trial.
4. Hence, solely on the touchstone of Article 21 of the Constitution of India and without touching the merits of the case, we feel constrained to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Pradyut Chowdhury** 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 enter the jurisdiction of Dum Dum Police Station except for the purpose of attending Court proceedings and shall also furnish the address where he will be residing to the Officer-in-Charge in whose jurisdiction he will be residing and shall also appear before such Officer-in-Charge once in a 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.)