

CRM (DB) 671 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 **Murutia Police Station** Case No. **85 of 2022** dated **27.04.2022** under Section **376AB** of the Indian Penal Code and Section 6 of the POCSO Act.

- A n d -

In the matter of : Samar Halder

.... Petitioner.

Mr. Angshuman Chakraborty,
Mr. A. Islam,
Mr. Sourav Mukherjee,

... For the Petitioner.

Mr. Shaila Afreen,
Mr. Bikram Mitra,

... For the State.

Order dictated by Apurba Sinha Ray, J.:

1. Learned Advocate for the petitioner says that initially the petitioner was granted bail on December 29, 2022 and he had been complying with the conditions. Unfortunately, on December 19, 2023 he failed to appear before the learned Trial Court and as a result a warrant of arrest was issued on that date against him and on December 22, 2023, he was arrested on the strength of such warrant of arrest. It goes to show that though there was a mistake for one day, it cannot be said that he was absconding at the relevant point of time. At present he is in custody for about one year two months. Out of 14 charge sheet named witnesses only 5 witnesses have been examined. There is no chance of an early conclusion of the trial. He may be enlarged on bail on any conditions.
2. In spite of service nobody appears for the defacto complainant/victim.

3. Report submitted by the learned State Advocate be kept with the records. He submits that the petitioner did not appear before the concerned court on December 19, 2023 and he was arrested on December 22, 2023 on the strength of warrant of arrest.

4. We have considered the materials on record. We find that due to non-appearance of the petitioner on December 19, 2023, warrant of arrest was issued and he was brought under arrest within three days of issuance of such warrant of arrest. However, he has got a lesson for his non-appearance.

5. Since there is no chance of an early conclusion of the trial, we enlarge the petitioner on bail.

6. Accordingly, we direct that the petitioner, namely, **Samar 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 Judge under the POCSO Act, Tahatta, Nadia subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall remain within 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 said police station once in a fortnight 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)