

25. 25.03.2025
Court
No.29 (Pritam)
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (DB) 626 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **New Town** Police Station Case No.**83/2020** dated **11.06.2020** under Sections **376(i)/376(D)/212/34** of the IPC, 1860 & Section 6 of the POCSO Act, 2012.

And

In the matter of: - **Rabin Sarkar @ Robin Sarkar.**

...petitioner.

Mr. Sourav Paul,

...for the petitioner.

Mr. Abhinav Rakshit

...for the *de-facto* (HCLAS).

Mr. Md. Adil Badr,

Mr. Rajesh Jana

...for the State.

Dictated by Arijit Banerjee, J.

1. Learned advocate for the State again prays for time.
2. On March 13, 2025, we had directed the State to file a status report. On March 20, 2025, adjournment was obtained by the State. Even today, the status report is not filed.
3. We see that that petitioner is in custody for 4 (four) years and 9 (nine) months. Only 4 out of 15 charge-sheet named witnesses have been examined. There is no possibility of an early conclusion of the trial. An under-trial accused cannot be kept in

custody for an unreasonably long period of time without taking the trial to its logical conclusion as that would amount to pre-trial conviction.

4. Hence, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we are constrained to grant bail to the petitioner.
5. Accordingly, we **allow** the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely, **Rabin Sarkar @ Robin Sarkar**, 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 POCSO Court, Barasat, North 24 Parganas*. The petitioner shall appear before the trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the territorial jurisdiction of *Barasat Police Station* except for the purpose of attending court proceedings and shall meet the I.C. of the said police station in every alternate day, until further orders.
7. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this court.

8. The application for bail being CRM (DB) 626 of 2025 is, thus, disposed of.
9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
10. 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.)