

28.03.2025

Item no.58.

Court No.29.

S. De
(Allowed)

CRM (DB) No. 735 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 **Eco Park P.S. Case No. 87 of 2023** dated **28.04.2023** under **Sections 3/4/5/7 of the Immoral Traffic Prevention Act, 1956., read with Sections 4/6/17 of the Protection of Children from Sexual Offences Act.**

And

In the matter of : Debashis Sardar @ Debasis Sardar @ Debasish Sardar @ Nani Sardar & Anr. ...Petitioners.

Mr. Angshuman Chakraborty,
Mr. S.S. Saha,for the Petitioners.

Mr. Atif Ahmed Siddiqui, ...for the State.

Dictated by Arijit Banerjee, J.

1. Service report filed by the State, be kept with the records. In spite of service, nobody appears for the de facto complainant/victim.
2. The petitioners claim parity citing an order dated November 13, 2024, passed by the Hon'ble Supreme Court in Petition for Special Leave to Appeal (Crl.) No. 14141/2024, whereby the Hon'ble Court was pleased to enlarge on bail a co-accused person by the name of Md. Mohinuddin @ Md. Mohiuddin, on the ground of prolonged detention. Following the said order, a co-ordinate Bench granted bail to another co-accused person by the name of Imraj Haque Molla by an order dated February 21, 2025, passed in CRM (DB) 4359 of 2024. The petitioners say that they stand on the same footing in so far as the period of

detention is concerned. They are in custody for about 1 year and 11 months.

3. Learned State advocate, while opposing the prayer for bail, in his usual fairness, does not dispute that in so far as the period of detention and the delay in progress of trial are concerned, these petitioners are similarly circumstanced as the aforesaid to accused persons who have been granted bail.
4. Hence, on the ground of parity, we allow the application for bail of the petitioners.
5. Accordingly, we direct that the petitioner, namely, **Debashis Sardar @ Debasis Sardar @ Debasish Sardar @ Nani Sardar and Kalipada Dey** shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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), Barasat, 24-Parganas subject to the condition that the petitioners shall remain within 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.
6. The petitioners 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 petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' 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.)