

May 01, 2025

37 ARDR

(Allowed)

CRM (DB) 870 of 2025

In Re : An Application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with **Kasba** Police Station Case No. 338 of 2020 dated 22/8/2020 under Sections 376D/506 of the Indian Penal Code.

And

In Re : Lalu Gomes @ Lelu @ Lallu & anr.

... Petitioner.

Adv. Manasi Roy,

... for the petitioner.

Adv. Bitasok Banerjee,

Adv. Sharequl Haque,

... for the State.

Report submitted by the State is taken on record.

The petitioners are in custody for about five years and pray for bail solely on the ground of their prolonged detention.

Learned counsel for the State opposes the prayer.

It appears that out of fifteen witnesses, two witnesses have been examined in full and the victim lady being the 3rd witness has been examined in part. The whereabouts of the victim lady is not traceable for which there has been no further progress in trial after 22nd November, 2022. Witness warrant has been issued against the victim lady. The victim lady appeared before the learned trial Court and was released on personal bond. She has not appeared before the learned trial Court thereafter. Chances of trial being concluded in near future is bleak.

In view of the above, this Court is inclined to hold that the petitioners ought to be released on bail solely on the touchstone of Article 21 of the Constitution of India without going into the merits of the case.

Accordingly, the prayer for bail is allowed.

The petitioners namely Lalu Gomes @ Lelu @ Lallu and Babu Dutta be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Alipore, subject to the condition that they shall remain within the jurisdiction of Kasba Police Station and shall furnish their addresses where they shall presently reside before the learned trial Court, Investigating officer and the Officer in charge of the concerned police station under whose jurisdiction they shall henceforth reside. They shall appear before the learned trial Court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with any of the conditions stated above, the learned trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is disposed of.

Case Diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)