

01.05.2025

Sl No.18

Ct. No.39

ss

(Partly
Allowed)

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

CRM (DB) 1049 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 Hogolberia Police Station Case No.58 of 2022 dated 21.02.2022 under Section 376D of the Indian Penal Code, 1860 read with Section 6 of POCSO Act, 2012 and now pending before Learned Special Judge, under POCSO Act, Tehatta, Nadia.

And

In Re : Rintu Sardar @ Rintu Mal & anr.

.....Petitioners

Mr. Soumik Ganguly

Mr. Amanul Islam

Mr. Sourav Mukherjee

Ms. Chandana Chakraborty

.....for the Petitioners

Ms. Sukhanya Bhattacharya

Ms. Pallavi Priyadarshee

.....for the State

Service report filed by the State is taken on record.

Despite service none appears on behalf of the *de facto* complainant.

Learned Advocate for the petitioners submit that the petitioners are in custody for more than 3 years 68 days. By order dated 25th February, 2025 in CRM (DB) 310 of 2025 the co-accused Kartik Mal has been granted bail. The present petitioners stand on the same footing. He further submits that no witness action has been initiated since framing of charge in the month of January, 2024. He seeks for enlargement of the petitioners on bail.

Opposing such prayer for bail learned Advocate for the State submits that there are specific allegations against the

petitioner no.2. The case involves gang rape. She seeks for dismissal of the bail application.

Perused the case diary and the materials on record.

From the materials on record it is found that the petitioner no.1, Rintu Sardar @ Rintu Mal stands on the same footing as of Kartik Mal, who has been granted bail in CRM (DB) 310 of 2025. Bearing in mind the aforesaid, I am inclined to enlarge petitioner no.1 on bail.

As far as the petitioner no.2, Tapas Sardar @ Mal, is concerned it is found that he has been named by the victim in her statement before the Magistrate as well as during her medical examination of his involvement in the alleged offence of sexual assault upon her. Considering the above, I am not inclined to enlarge the petitioner no.2 on bail.

Accordingly, the petitioner no.1, namely, **Rintu Sardar @ Rintu Mal**, 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 a local, to the satisfaction of the learned Judge, Special (POCSO) Court, Tehatta, Nadia subject to condition that the petitioner no.1 shall remain within the jurisdiction of the Tehatta Police Station and shall meet the Officer in Charge of the Tehatta Police Station twice a week until further orders and shall appear before the learned Trial Court on each and every day 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.

In the event the petitioner no.1 fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail in accordance with law without further reference to this Court.

However, bearing in mind the delay in trial, learned Trial Court is directed to expedite the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

The bail prayer of the petitioner no.2 thus stands rejected.

Parties shall cooperate with the trial court for examination of the witnesses.

Accordingly, the application for bail being **CRM (DB) 1049 of 2025** is disposed of.

(Bivas Pattanayak, J.)