

10.04.2025
Sl No.12
Ct. No.39
srm

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

CRM (M) 31 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (previously Section 439 of the Code of Criminal Procedure, 1973) in connection with New Town Police Station Case No.83 of 2020 dated 11.06.2020 under Sections 376D/34 of the Indian Penal Code and Section 6 of POCSO Act, 2012.

And

In Re : Sudipto Halder @ Babu @ Sudipta

.....Petitioner

Mr. Souvik Mitter,
Mr. Litan Maitra,
Ms. Rajnandini Das,
Mr. Chitraj Biswas

.....for the Petitioner

Ms. Minoti Gomes,
Ms. Sreetama Das

.....for the State

Mr. Shiven Ray

..... for the *de facto* complainant

Mr. Souvik Mitter, learned Senior Advocate for the petitioner submits that he is languishing in custody for 4 years 9 months and 29 days. During this period only 4 out of 15 charge-sheeted witnesses have been examined. The co-accused has been granted bail by this Court considering the period of detention. The present petitioner stands on the same footing. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, Ms. Minoti Gomes, learned Advocate for the State submits that there are serious allegations against this petitioner, hence, bail prayer of the petitioner should be rejected.

Mr. Shiven Ray, learned Advocate for the *de facto* complainant/victim was not informed of the proceedings due to which reason she is unable to represent before the trial court. He also submits that considering the gravity of the offence, the bail prayer of the petitioner should be rejected.

Perused the case diary and the materials placed before this Court.

It is not in dispute that only 4 witnesses out of 15 charge-sheeted witnesses have been examined. The petitioner is in custody for 4 years 9 months and 29 days. The co-accused Rabin Sarkar @ Robin Sarkar has been granted bail in CRM(DB) 626 of 2025 *vide* order dated 25th March, 2025. The present petitioner stands on the same footing. Further there is no possibility of early conclusion of trial. In view of the above, without touching the merits of the case and on the touchstone of Article 21 of the Constitution of India, I am inclined to grant bail to the petitioner.

Accordingly, the petitioner, namely, **Sudipto Halder @ Babu @ Sudipta**, 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, Barasat, North 24-Parganas. The petitioner shall appear before the 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. The petitioner shall remain within the territorial jurisdiction of Barasat Police Station except for the purpose of attending court proceedings and shall meet the Inspector-in-Charge of the Barasat Police Station in every alternate day and also shall not enter into the jurisdiction of Sulangari Colony under New Town Police Station, until further orders.

In the event the petitioner 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.

Accordingly, the application for bail being **CRM (M) 31 of 2025** is disposed of.

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

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Bivas Pattanayak, J.)