

ADSL 01.
03-06-2025
(ct. no.06)
debajyoti/d.p.
(allowed)

CRM (M) 566 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of the Bhartiya Nagarik Suraksha Sanhita 2023 in connection with Bidhannagar Women Police Station Case No.16 of 2024 dated 22-07-2024 under Sections 376(3)/406/506/34 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 and adding Sections 201/212/419/467/509 of the Indian Penal Code.

- A n d -

In the matter of : Ratul Burman

.... Petitioner.

Mr. Phiroze Edulji, Sr. Adv.,
Mr. Aranya Saha,
Mr. Tushar Saha.

... For the Petitioner.

Mr. Aniket Mitra,
Mr. Karan Bapuli.

... For the State.

1. It is said by learned advocate appearing on behalf of the petitioner that this accused petitioner is absolutely innocent and has/had no connection with the offence alleged.

2. It is further said that this accused petitioner is in custody for a considerable period of time and after framing of charge by the learned trial Court, the evidence taking process has already been started. The instant complaint was made by the defacto complainant by stating that this accused petitioner has allegedly committed offence which comes under the provisions of the POCSO Act. It is said by the learned advocate for the petitioner that this instant complaint has been filed with an intention to squeeze money from this accused petitioner. It is further said that despite allegation made by the complainant, she visited and met the petitioner

at the Dum Dum Correctional Home which would be evident from the register book of the Correctional Home.

3. It is said that vulnerable witness i.e. the victim girl has already been examined. There is bleak possibility of the trial being concluded in near future. Moreover, the other accused persons named in the FIR have already been granted bail by the learned trial Court. So, there would be no justification to keep this accused petitioner behind the bar for the sake of custodial interrogation. It is said that the victim girl as PW 1 has already deposed before the learned trial Court and the said victim girl was declared hostile by the prosecution and cross-examined her, but nothing has been elicited from the said cross-examination which may help the prosecution to prove the contentions of the written complaint.

4. Moreover, it is said by the learned advocate that PW 1(victim Girl) was examined on 08.01.2025 and thereafter, several dates were fixed by the learned trial Court, but the defecto complainant did not turn up despite receiving summon from the trial Court. So, it is said by the learned advocate that this accused petitioner may be enlarged on bail.

5. Learned advocate for the State raises objection by submitting that there are several incriminating materials in the record which reflects about prima facie involvement of this accused petitioner in the alleged offence. Moreover, the evidence taking process has been started and the PW 1 (victim girl) has already been examined by the side of the prosecution and the next date i.e. 05.07.2025 is fixed for further evidence by the side of the prosecution.

6. It is further said by learned advocate for the State that if at this stage, the petitioner is enlarged on bail, then there is every possibility of tampering evidence. So, it is said

that the petition for bail filed by the accused petitioner may be rejected.

7. After receiving notice the defecto complainant has appeared personally before this Court and made submission.

8. I have considered the rival contentions advanced by the parties and perused the materials placed before this Court at the time of argument.

9. The instant case was started on the basis of the complaint lodged by the defecto complainant stating that the accused person has allegedly committed the offence which comes under the provision of the POCSO Act. After lodging the complaint the instant case was started by the concerned police station and after completion of investigation charge-sheet was submitted by the prosecuting agency. Charge was framed by the learned trial Court and the witness action has begun. P.W. 1 (victim girl) has already deposed before the learned trial Court. She was declared hostile by the side of the prosecution and was cross examined. It further appears that the said victim girl was examined on 08.01.2025 and thereafter, several dates were fixed for examination of the defecto complainant who happens to be the mother of PW 1. Although the summons were sent to the defecto complainant, she did not venture to appear before the learned trial Court to depose.

10. I have carefully gone through deposition of PW 1 and the other documents gathered in the case records. It appears that besides the present accused petitioner, other family members have been impleaded as accused persons in this case who were subsequently granted bail by the learned trial Court. Anyway, this petitioner is in custody for a considerable period of time and there is no immediate chance of conclusion of trial. Failure to conclude the trial within a reasonable time resulting in prolonged incarceration militates against the precious fundamental right guaranteed under

Article 21 of the Constitution of India. After considering the entire materials placed before this Court, I am of the opinion that no purpose will be served by detaining the petitioner behind the bar. Therefore, the prayer of the petitioner for bail is allowed.

11. Accordingly, I direct that the petitioner, namely, **Ratul Burman**, shall be released on bail upon furnishing a bond of Rs.20,000/- (Rupees Twenty Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Judge, Special Court under POCSO Act, Barasat, North 24-Parganas. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not commit any cognizable offence in any manner whatsoever while on bail. The petitioner shall reside outside the jurisdiction of Bidhannagar Commissionerate until further orders and shall communicate through his learned advocate his current local address to the learned trial Court, Bidhannagar Women Police Station and the police station under whose jurisdiction he shall be residing while on bail.

11. 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.

12. The application for bail is, thus, **allowed**.

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

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

(Prasenjit Biswas, J.)