

05.06.2025  
Item No.8  
debajyoti/d.p.  
(Allowed)

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

**C.R.M.(M) 571 of 2025**

In re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with New Town Police Station Case No.121 of 2023 dated 20.04.2023 under sections 420/409/419/406/467/468/469/471/120B of the Indian Penal Code.

-And-

**In the matter of : Pallab Sarkar alias Dodon**

... Petitioner

Mr. Angshuman Chakraborty,  
Mr. Shashanka Sekhar Saha.

...for the petitioner

Ms. Manisha Sharma,  
Mr. Asif Dewan.

... for the State

Learned Advocate for the petitioner and the learned Advocate for the State are present. Heard learned advocate for the parties. Perused the case diary and the materials on record.

Learned Advocate for the petitioner submits that the petitioner is in custody for 1 year 8 months and earlier the petitioner obtained interim bail but as he could not make payment to the defacto complainant, his interim bail was cancelled. It is further submitted by the learned advocate that earlier the petitioner was implicated under different Sections of the Indian Penal Code but charge was framed under Sections

419/420 of the Indian Penal Code and Sections 7/13 of Prevention of Corruption Act, 1988.

Learned advocate for the petitioner draws attention of this Court to a draft of Rs.15,00,000/- already issued to the defecto complainant by the wife of the petitioner and a post dated cheque. Learned advocate submits that the wife of the petitioner is suffering from cancer and considering the part payment made and the period of detention, the prayer of the petitioner for bail may be considered.

Learned advocate for the opposite party/State objects the grant of bail and submits that the Bank Account of the petitioner will show receipt of different amounts from different persons and this aspect is also to be investigated.

Upon perusing the materials in the case diary in connection with this case upon considering the period of detention which is 1 year 8 months, although the trial has already started and the defecto complainant is partly examined, it would not be proper to observe anything with regard to the merits of the case. But, it is necessary to consider as to whether the petitioner should be granted bail. In order to consider as to whether the petitioner should be granted bail, it is necessary to consider some judicial pronouncements.

In the case of Arvind Kejriwal –vs- Central Bureau of Investigation reported in 2024 SCC Online SC 2550 the Hon'ble Supreme Court observed as follows:

“38. The evolution of bail jurisdiction in India underscores that the ‘issue of bail is one of liberty, justice, public safety and

burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitized judicial process'. The principle has further been expanded to establish that the prolonged incarceration of an accused person, pending trial, amounts to an unjust deprivation of personal liberty. This Court in Union of India -vs- K.A. Najeeb has expanded this principle even in a case under the provisions of the Unlawful Activities (Prevention) Act, 1967 (hereinafter 'UAPA') notwithstanding the statutory embargo contained in Section 43-D(5) of that Act, laying down that the legislative policy against the grant of bail will melt down where there is no likelihood of trial being completed within a reasonable time. The courts would invariably bend towards 'liberty' with a flexible approach towards an undertrial, save and except when the release of such person is likely to shatter societal aspirations, derail the trial or deface the very criminal justice system which is integral to rule of law."

In case of Mohd Tahir Hussain -vs- State of NCT of Delhi reported in 2005 SCC Online SC 135 the Hon'ble Supreme Court observed as follows:-

"27. I have examined the allegations and the evidence against the Petitioner. No doubt, they are grave and reprehensible but as of this moment they are exactly that – allegations. It is settled law that magnitude and gravity of the offence alleged are not grounds, in and by themselves, to deny bail [Para 18, 12 of K A. Najeeb (supra) and Jalaluddin Khan -vs- Union of India, (2020) 10 SCC 574], moreso when trial is prolonged. The petitioner's rights under 14 and 21 of the

Constitution of India cannot be lost sight of. As on date, no court of law has convicted the petitioner. The following passage from Javed Gulam Nabi Shaikh (supra) is attracted squarely:

18. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be.”

Upon considering the facts of the case and the period of detention which is 1 year 8 months and the fact that the case involves examination of 12 witnesses and at present the examination of one witness is also not complete and there may be delay in the trial, in the interest of justice the petitioner should be granted bail.

Thus, I allow the prayer for bail made by the petitioner.

The petitioner, namely, **Pallab Sarkar alias Dodon** 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 trial Court. The petitioner upon being released shall appear before the Court on all dates fixed and shall not meet the witnesses of this case and shall not do anything prejudicial to the trial.

Accordingly, the application for bail 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.

**(Biswaroop Chowdhury, J.)**