

22.07.2025
Item No.07.
Daily List
Court No.42
Mithun
(Rejected)

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

CRM (M) 996 of 2025

In re : An Application for Bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973), in connection with SC (Spl) Case No.5 of 2020 thereby rejecting the prayer for bail of the petitioner in connection with Balagarh Police Station Case No.18 of 2020 dated 01.02.2020 under sections 363/365 of the Indian Penal Code and added Section 376(2)(n) IPC and 6 of the POCSO Act pending in the Court of Ld. Judge, Exclusive (POCSO) Court, Hooghly.

-And-

In the matter of : Amit Sardar

... .. Petitioner (in Jail)

Ms. Kakali Chatterjee,
Mr. Debasish Chatterjee

... .. For the Petitioner

Ms. Sukanya Bhattacharya,
Mr. Rajesh Jana

... ..For the State

Affidavit-of-service filed on behalf of the petitioner is taken on record.

Learned Advocate for the petitioner submits that he was granted bail by the learned Trial Court considering the fact that the petitioner and victim had previous love affairs. The petitioner being a layman, due to ignorance, failed to appear before the Court resulting in issuance of warrant of arrest. The petitioner surrendered on 9th June, 2025. Charges have already been framed on 10th July, 2025. She seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that this petitioner has absconded for four years. She seeks for dismissal of the bail application.

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

Perused the case diary and the materials on record.

The petitioner was granted bail by the learned Trial Court on 5th March, 2020. Charge-sheet was submitted on 5th May, 2020. Thereafter, due to non-appearance of the petitioner on repeated dates, warrant of arrest was issued on 31st May, 2022. After a considerable period on 9th June, 2025, the petitioner surrendered before the Court. The petitioner has absconded for a period of four years. Considering such conduct of the petitioner of his failure to appear before the learned Trial Court resulting in delay in trial, I am not inclined to enlarge the petitioner on bail.

Accordingly, the prayer for bail of the petitioner is rejected.

However, the Trial Court is directed to expedite the trial to the fullest extent and conclude the same at an early date without granting any unnecessary adjournment to either of the parties.

Prosecution is directed to produce witnesses before the Trial Court on the schedule dates fixed for examination of witnesses.

Parties are directed to cooperate in the trial before the Trial Court.

The application being **CRM(M) 996 of 2025** stands dismissed.

(Bivas Pattanayak, J.)