

27.01.2025
Item no. 21.
Court No.29.
AB
(Allowed)

CRM (DB) 3872 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Gobardanga Police Station Case No.249 of 2021 Dated 25.10.2021 under Section 376AB of the Indian Penal Code read with Section 6 of the POCSO Act

And

In the matter of : Parimal Halder

.....Petitioner.

Mr. Anshuman Chakraborty,
Mr. S. S. Sahafor the Petitioner.

Mr. Joydeep Biswas,
Mr. Abhinaba Mukherjee.....for the State.

Mr. Aniket Mitrafor the Defacto complainant.

Dictated by Arijit Banerjee, J.

1. Read order dated January 15, 2025.
2. Report filed by the State, be kept with the records.
3. The petitioner renews his prayer for bail which was rejected by a Coordinate Bench on March 22, 2024 by recording the assurance of the State that trial shall be concluded within six months from the next date fixed for recording of evidence subject to cooperation by defence and systemic reasons. The petitioner is aggrieved that till date the trial has not been concluded. He is in custody for more than three years and four months.

4. Learned State Counsel and learned Advocate for the defacto complainant strongly oppose the prayer for bail. They draw our attention to the depositions of witnesses examined so far. In particular, we have seen the victim's deposition. There is nothing significant in the medical report.
5. On an overall assessment of the evidence on record and the facts and circumstances of the case and more importantly, considering the prolonged detention of the petitioner, without making any comment on the merits of the case, we are inclined to allow the petitioner's prayer for bail on the touchstone of Article 21 of the Constitution of India.
6. Accordingly, we direct that the petitioner, namely **PARIMAL HALDER** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the POCSO Act at Barasat, North 24 Parganas, and on further conditions that he shall remain within the jurisdiction of the Barasat Police Station and shall report to the Officer-in-Charge of the Barasat Police Station twice a week until further orders.
7. The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence

and/or commit any cognizable offence in any manner whatsoever.

8. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.
9. The application for bail is, accordingly, allowed.
10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)