09.11.2026
Ct. No. 7
SL No. 21
SB

C.R.M. (M) 2836 of 2026

In Re: - An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 439 of the Code of Criminal Procedure in connection with an order dated 21.9.2026 passed by the learned Judge, Special Court cum Learned Additional Sessions Judge, 2nd Court, Alipore, South 24 Parganas in Special S.T. Case No. 02(07)/2024 (S.C. No. 317/2023) arising out of Patuli P.S. Case No. 232/2023 dated 12.10.2023 under Sections 366A/370/370A/372/373/419/120B of the Indian Penal Code read with Sections 4/17 of the POCSO Act and under Sections 3/4/5/6/7 of Immoral Traffic (Prevention) Act.

And

In the matter of: Tara Sankar Paul @ Tarasankar Paul

Mr. Soumya Nag
Mr. Rajdeep Sengupta
Ms. Sampriti Saha ... for the petitioner

Mr. L. Vishal Kumar
Mr. Sanjib Das ... for the State

Ms. Jhuma Sen
Ms. Arpita De
Mr. Samsul Laskar ... for minor victim

Allowed

1. Mr. Nag, learned counsel appearing on behalf of the petitioner, submits that the petitioner has been in custody for the last three years and that there has been no substantial progress in the trial. He submits that the petitioner had earlier approached the Hon'ble Supreme Court of India seeking bail, in connection with which Special Leave to Appeal (Crl.) No. 7864 of 2025 was registered and disposed of by an order dated 20.02.2025. By the said order, the Hon'ble Supreme Court clarified that, in the event of any change in circumstances or failure to achieve reasonable progress in the trial within one year from the date of the order, for reasons not attributable to the petitioner, the petitioner would be at liberty to renew his prayer for bail before the Hon'ble Court.

2. Mr. Nag further submits that, thereafter, the petitioner preferred another application for bail, registered as CRM (M) 1339 of 2026, which came to be dismissed by a Coordinate Bench of this Court by an order dated 16.06.2026. While dismissing the said application, the Coordinate Bench, having regard to the gravity of the offence, granted the State, as a matter of last chance, a further period of three months to make progress in the case and complete the examination of the vulnerable witnesses. The Coordinate Bench further incorporated a default clause, expressly reserving liberty to the petitioner to renew his prayer for bail upon expiry of the aforesaid period, in the event the examination of the vulnerable witnesses was not completed within the time stipulated.
3. He submits that the said period has already expired in September 2026. However, there has been no reasonable progress in the trial. He further submits that, till date, only one witness has been examined and there is no likelihood of an early conclusion of the trial. He, accordingly, prays for bail.
4. Learned counsel appearing on behalf of the State produces the Case Diary and opposes the prayer for bail. He submits that the victim has already been examined.
5. Ms. Sen, learned counsel appearing on behalf of the minor victim/de facto complainant, also opposes the prayer for bail made on behalf of the petitioner.
6. In reply, Mr. Nag submits that the victim had been examined prior to the passing of the order dated 16.06.2026 in CRM (M) 1339 of 2026.
7. Heard the learned advocates appearing on behalf of the respective parties and perused the Case Diary and other materials, including the order passed by the Hon'ble Supreme Court of India in Special Leave to Appeal (Crl.) No. 7864 of 2025 dated 20.02.2025 and the order

passed by a Coordinate Bench of this Court in CRM (M) 1339 of 2026 dated 16.06.2026.

8. Admittedly, the Hon'ble Supreme Court, by its order dated 20.02.2025, observed that if reasonable progress in the trial was not achieved within one year from the date of the order and the delay was not attributable to the petitioner, he would be at liberty to renew his prayer for bail before the learned Trial Court. As noted hereinbefore, a Coordinate Bench of this Court, as a matter of last chance, granted three months' further time to the State to make progress in the case and complete the examination of the vulnerable witnesses. The said order was passed after the examination of the victim was already over. Till date, except for the victim, no other witness has been examined. Therefore, there has been no substantial progress in the trial after the order was passed by a Coordinate Bench of this Court. Almost 20 persons have been cited as witnesses in the charge-sheet. There is no likelihood of an early conclusion of the trial.

9. Considering all these aspects, I am of the view that the petitioner is entitled to be enlarged on bail.

10. Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.20,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Alipur, South 24 Parganas subject to the condition that the petitioner shall appear before the trial court on each and every date of hearing and shall not leave the jurisdiction of the district of South 24 Parganas without prior permission of the learned Court below or until further order and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

11. In the event petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail without any further reference to this Court.

12. The application for bail is, thus, allowed and disposed of.

(Partha Sarathi Chatterjee, J.)