

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

CRM/5/2025
IA No. CRAN/2/2026

Mr. Paul Louis John Collins
Vs.
The State

Mr. D. Ilango ... for the petitioner

Mr. Sumit Kumar Karmakar ... for the State

April 22, 2026
[SR]
Item No.9

1. The petitioner is a citizen of the United Kingdom. The charge against the petitioner is primarily under Section 64 of the Bharatiya Nyaya Sanhita, 2023 (BNS).
2. Learned counsel for the petitioner argues that although the petitioner has already been enlarged on bail, the petitioner is 61 years of age and is suffering from renal cancer. Due to such affliction, he had to undergo a surgery in Chennai, where one of his kidneys was removed.
3. The doctors at Chennai advised him a review check-up after six months.
4. It is submitted that the petitioner is apprehensive as to the conclusion of the trial in the near future, since out of 22 witnesses cited by the prosecution, only 3 have been examined as yet, all of whom are formal witnesses, the complainant herself having not yet been examined.
5. It is further submitted that even the CFSL report has not yet been furnished as yet, which is further delaying the trial.

6. Learned counsel contends that the petitioner's passport has also been seized. It is prayed by the petitioner that the passport may be returned to the petitioner upon modifying the conditions of bail, so that petitioner can return to his homeland during his lifetime, particularly keeping in view the serious nature of his ailment.

7. Learned Public Prosecutor opposes the prayer of the modification of bail, primarily on the ground of the gravity of the offence. Learned Public Prosecutor expresses apprehension that it might not be possible to trace out or track down the petitioner once he is permitted to leave the country.

8. It is submitted on behalf of the State that the delay in examination of the witnesses and conclusion of the trial has been occasioned primarily due to the lack of adequate facilities in India for CFSL examination, for which the sample had to be sent to different places. In view of the CFSL report not yet having been obtained, the victim could not also be examined as yet.

9. Learned Public Prosecutor submits that at least 18 months' time ought to be granted to the Trial Court to conclude the trial, keeping in view the difficulties being faced as indicated above.

10. The Court sympathizes fully with the plight of the petitioner, due to his age as well as the serious nature of his ailment. However, the gravity of the alleged offence overshadows that of the ailment, in the sense that if the petitioner is permitted to leave the country, it would be extremely difficult and/or next to impossible to trace him out and ensure his presence in the trial in the event the petitioner decides to jump bail.

11. As such, the confidence of the Court is not inspired enough to permit the modification as sought for by the petitioner by releasing his passport and permitting him to leave the country.

12. It is well-settled that although the right to personal liberty is a fundamental right enshrined in Article 21 of the Constitution of India, the same is not unbridled and can be curtailed under certain circumstances by due procedure of law, which has been done in the case of the petitioner as well.

13. Accordingly, keeping on balance the convenience and inconvenience of the petitioner and the prosecution and taking into consideration the gravity of the offence, CRAN/2/2026 is disposed of with a request to the learned Trial Judge to conclude the trial against the petitioner as expeditiously as possible, preferably within one year from the date of communication of this order to the Trial Court, if necessary by fixing short dates and by ensuring that the prosecution witnesses are examined at the earliest.

14. That apart, keeping in view the plight of the petitioner, who is far away from home, without a livelihood, and suffering from a terminal illness, the State, represented by the Andaman and Nicobar Islands Administration, shall extend all facilities and financial support to the petitioner for the limited purpose of conveyance of the petitioner from the Islands to the mainland, for the purpose of his further medical check-up and other medical procedure, if necessary.

(Sabyasachi Bhattacharyya, J.)