

08.12.2021.
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as
(Allowed)

C.R.M. 2519 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bankura Women P. S. Case No.18 of 2020 dated 04.03.2020 under Sections 376(2)(i)(n)(f)/506/323/120B of the Indian Penal Code read with Sections 4/6/17 of the POCSO Act.

In the matter of : Ramesh Pandey.

.... Petitioner.

Mr. Arnab Chatterjee.

...for the Petitioner.

Mr. Saswata Gopal Mukherjee, Id. P.P.,

Ms. Faria Hossain,

Ms. Sonali Das.

...for the State.

Petitioner submits there is inordinate delay in lodging the first information report. Incident occurred on and from 2014 whereas first information was registered in 2020. Accordingly, he renews his prayer for bail and submits that there is no progress since the rejection of bail by this Court.

Learned Advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim girl. Victim was a student in a nursing college at the time of occurrence. It cannot be said that the victim did not have any access to law enforcement agency at the time of occurrence. Delay in lodging the first information report requires to be assessed in the light of the aforesaid circumstances during trial.

In view of the aforesaid facts, period of detention suffered by the petitioner and as there is little progress in the matter

since the rejection of bail by this Court, we are inclined in granting bail to the petitioner.

Accordingly, the petitioner 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 POCSO Act, Bankura subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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

The application, being C.R.M.2519 of 2021, is disposed of.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)