

23.08.2022
cm/ct 28
sl no. 41

C.R.M. (DB) 2826 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Chandannagar P.S. Case No. 92 of 2018 dated 30.05.2018 under Sections 376 of the Indian Penal Code read with Sections 5/6 POCSO Act (corresponding to S.C (Spl) Case No 33 of 2018 & S.T.(Spl) Case No. 33 of 2018).

Allowed

In Re : Abhijit Das @ Avijit Das.

..... petitioner

Mr. Bitasok Banerjee

..... for the petitioner

Mr. S.S. Imam

Mr. R. Jana

..... for the State

Petitioner is in custody for more than four years and three months. He renews his prayer for bail. It is submitted that there is inordinate delay in the trial of the case.

Learned lawyer for the State opposes the prayer for bail. He submits date has been fixed for recording of prosecution evidence.

We have considered the materials on record. Bail prayer of the petitioner was rejected in February, 2021. In the said order it is noted 11 out of 13 witnesses had been examined. In spite of lapse of one and a half year prosecution evidence has not concluded as yet. Delay in the matter cannot be attributed to the petitioner.

Under such circumstances, we are constrained to observe the delay in the trial infracts the fundamental right of the petitioner to speedy justice. Accordingly, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 Additional District & Sessions Judge, Chandannagar, Hooghly on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and petitioner while on bail shall remain outside the jurisdiction of Chandannagar police station except for the purpose of attending court proceedings.

In the event petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM(DB) No. 2826 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)