

02.09.2022.
07.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2887 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sealdah GRP P. S. Case No.34 of 2015 dated 16.02.2015 under Sections 328/34/376-D of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Md. Jaffar.

.... Petitioner.

Mr. Deepak Prahladka.

...for the Petitioner.

Ms. Zareen N. Khan,
Md. Kutubuddin.

...for the State.

Petitioner is in custody for more than seven years. He renews his prayer for bail due to inordinate delay in trial.

Learned Advocate for the State opposes the prayer for bail and submits report.

From the report we note prosecution was slow in bringing witnesses to court. Minor victim has already been examined. No doubt allegations are very grave. However, the vulnerable witness has already been examined and inordinate under trial detention of the petitioner is due to indolence on part of the investigating agency to adduce evidence. This has infringed the fundamental right of the petitioner to speedy trial under Article 21 of the Constitution of India.

Under such circumstances, we are inclined to grant bail to the petitioner on this score subject to strict conditions.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.20,000/- 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, Alipore South 24-Paraganas 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 and on further condition that the petitioner while on bail shall remain within the jurisdiction of Tiljala Police Station except for the purposes of investigation and/or attending court proceedings and shall report to the Officer-in-charge of the Tiljala Police Station once in a week until further orders.

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.

Presence of the Investigating Officer is noted and dispensed with.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)