

15.11.2022
9
sdas
allowed

CRM(DB) No. 3554 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domkal Police Station Case No. 887 of 2017 dated 14.10.2017 under Sections 363/365/34 of the Indian Penal Code adding Section 376 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re : Balaram Sarkar petitioner

Mr. Jisan Iqubal Hossain
.....for the petitioner

Mr. Rudradipta Nandy, learned APP
Mrs. Sonali Das
..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for five year and one month. It is also submitted that there is inordinate delay in the trial of the case.

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

We have considered the materials on record. Though allegation relates to offence against a minor, we find there is inordinate delay in the trial which has infringed the fundamental right of the petitioner under Article 21 of the Constitution of India.

On this score, we are inclined to grant bail to the petitioner, however, subject to strict conditions.

Accordingly, we direct that 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, Berhampore, Murshidabad, on further conditions that while on bail the petitioner shall remain within the jurisdiction of Jalangi Police Station until further orders except for the purpose of attending court proceeding and shall report to the Officer in Charge of the Jalangi Police Station once in a week until further orders. Petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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 for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)