

04.11.2022.
28.
as
(Allowed)

C.R.M. (DB) 3859 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Uluberia Women P. S. Case No.50 of 2017 dated 18.06.2017 under Sections 451/376(2)(ii)/325/307 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Sk. Nasirul @ Sk. Chotto Kochi.
.... Petitioner.

Mr. Ayan Basu,
Sk. Salim,
Mr. Sumit Routh.
...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Mr. Iqbal Kabir.
...for the State.

Petitioner is in custody for more than five years. He renews his prayer for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Allegations against the petitioner are grave. However, he has suffered under trial detention for more than five years which infracts his right to speedy trial under Article 21 of the Constitution of India. Nothing is placed before us to show petitioner contributed to the delay. Vulnerable witnesses i.e. the victim and her family members have already been examined. Hence, there is no chance of winning over of such witnesses.

In view of the aforesaid circumstances, we are of the opinion petitioner is entitled to be released on bail on the

ground of inordinate delay in trial infracting his right under Article 21 of the Constitution of India.

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 Additional Chief Judicial Magistrate, Uluberia, Howrah subject to condition that he 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 for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)