

24.11.2022
Sl. No.13
akd
[ALLOWED]

C. R. M. (DB) 4003 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.09.2022 in connection with Golabari Police Station Case No.515 of 2018 dated 01.09.2018 under Sections 342/372/373/120B of the Indian Penal Code and Section 8 of the POCSO Act and subsequently charge sheet submitted under Sections 342/372/373/120B/376 of the Indian Penal Code and Sections 8/4 of the POCSO Act.

And

In Re: ***Dinesh Gupta***

... .. Petitioner

Mr. Ranjit Singh

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mrs. Sonali Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than four years. It is further submitted there is inordinate delay in the trial.

Report is placed on record. It appears from the report that co-accuseds who were enlarged on bail did not appear before the court below. This resulted in delay.

We have considered the materials on record. Vulnerable witness has already been examined. In view of the aforesaid fact and the protracted period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely ***Dinesh Gupta***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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-cum-Additional Sessions Judge, 2nd Court, Howrah subject to condition that the said 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 district of Howrah until further orders and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station within whose jurisdiction he shall presently reside once in a week until further orders.

In the event he 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 for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)