

06.12.2022
Sl. No.26
akd
[ALLOWED]

C. R. M. (DB) 4196 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.11.2022 in connection with Liluah Police Station Case No. 327 of 2019 dated 12.12.2019 under Sections 363/365 of the Indian Penal Code and subsequently charge sheet submitted under Sections 363/366/376/120B of the Indian Penal Code read with Sections 4/6 of the POCSO Act.

And

In Re: ***Upendra Kumar Roy @ Opendra Kumar Roy***
... .. Petitioner

Mr. Suman De
Mr. Ranjit Singh

... .. for the petitioner

Mr. R. I. Sardar

... .. for the de-facto complainant

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Manoranjan Mahata

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than 1000 days. In spite of direction given by this court, there is no progress in the matter.

Learned Additional Public Prosecutor opposes the prayer for bail.

Learned Advocate appearing for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. Balancing the nature of accusation with the protracted period of detention suffered by the petitioner which infracts his fundamental right of speedy trial under Article 21 of the Constitution of India, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Upendra Kumar Roy @ Opendra Kumar Roy***, 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-learned 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.

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.)