

29.03.2023
Sl. No.39
akd
[ALLOWED]

C. R. M. (DB) 1198 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.03.2023 in connection with Gobardanga Police Station Case No.215 of 2019 dated 14.11.2019 under Section 377 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

And

In Re: ***Rajib Debnath @ Rabi Debnath***

... .. Petitioner

Mr. Angshuman Chakraborty

... .. for the petitioner

Mr. Joydeep Roy .. Jr. Govt. Advocate

Ms. Sujata Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about three years and five months. It is further submitted there is inordinate delay in trial.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Bail prayer of the petitioner was rejected in August, 2022. It was directed that trial be concluded preferably within six months from the next date fixed for recording evidence. Thereafter, no witness has been examined. Vulnerable witness i.e. the minor victim has already been examined. Under such circumstances, we are of the opinion petitioner has been able to make out a case of breach of his fundamental right to speedy trial and he is entitled to bail on this score.

Therefore, the accused/petitioner, namely ***Rajib Debnath @ Rabi Debnath***, 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, North 24-Parganas 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 not enter the jurisdiction of Gobardanga Police Station except for the purpose of attending court proceedings 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 concerned 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.)