

17.05.2023.
30.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1783 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tarakeswar P.S. Case No.248 of 2018 dated 05.12.2018 under Sections 363/376(2)(i) of the Indian Penal Code read with Section 4 of the POCSO Act.

In the matter of : Sk. Morselim @ Santu.

.... Petitioner.

Mr. Arindam Jana,
Mr. Akashdeep Mukherjee,
Mr. Animesh Bhattacharyya,
Mrs. Shreya Mukhopadhyay,
Mr. Pritam Chatterjee,
Mr. Soumyadeep Nag.

...for the Petitioner.

Ms. Zareen N. Khan,
Mr. Arup Sarkar.

...for the State.

Mr. Bibaswan Bhattacharya,
Ms. Bindia Paul.

...for the de-facto complainant.

Petitioner is in custody for more than four years. He submits there is delay in trial. He renews his prayer for bail.

Learned Advocate for the State opposes the bail prayer. She submits victim was a minor and was ravished. Date has been fixed for examination of witnesses in the last week of May, 2023.

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

We have considered the materials on record. Vulnerable witnesses i.e. minor victim and her parents have already been

examined. Petitioner has suffered incarceration for more than four years. Six more witnesses are yet to be examined. There is little possibility of trial concluding in the near future.

Under such circumstances, we are of the opinion there is inordinate delay in trial and petitioner is entitled to bail on this score.

Accordingly, the petitioner viz., Sk. Morselim @ Santu shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 District and Sessions Judge, Chandannagore, Hooghly 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.)