

11.07.2023
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allowed

CRM(DB) No. 2720 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranaghat Police Station Case No. 368 of 2018 dated 19.10.2018 under Sections 363/365 of the Indian Penal Code with added Section 376(2)(i)(I) of the Indian Penal Code read with Section 6 of the POCSO Act with added Sections 372/373 of the Indian Penal Code.

And
In Re : Somnath Dutta petitioner

Mr. Sayan De
Mr. Kaustav Shome
Mr. Sayan Kanjilal
.....for the petitioner

Mr. S. G. Mukherji, learned PP
Mr. Sudip Ghose
Mr. Koushik Kundu
.... for the State

Learned Counsel for the petitioner submits he is in custody for more than four years. There is delay in trial. He renews his prayer for bail.

Learned Counsel for the State opposes the bail prayer.

We have considered the materials on record. Vulnerable witnesses have been examined. Petitioner is in custody for a protracted period of time. There is little possibility of trial concluding in the near future. Accordingly, we are inclined to grant bail to the petitioner subject to condition.

Accordingly, we direct that 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia, on further condition that the petitioner shall remain

within the district of Nadia except for the purpose of attending court proceedings and shall meet the Officer-in-Charge of Ranaghat Police Station once in a week until further orders. He shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)