

August 4, 2023
AD-3
Ct. 34
SG

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION

CRM(SB) 157 of 2023

In Re. An application for bail under Section
439 of the Code of Criminal Procedure,
1973.

In the matter of: Nantu Das ... petitioner

Mr. Sabir Ahmed
Mr. T. Ahamed
Mr. Dhiman Banerjee
Mr. Soham Chakraborty
... for the petitioner.

Mr. S.S. Imam
Mr. Sk. Arif Hossain
... for the State

The petitioner is in custody since October, 2022.

There was earlier rejection of this Court so far as the
bail prayer of the present petitioner is concerned.

The earlier direction of this Court reflects that CSWs 2
and 3 were directed to be examined by 15th January, 2023.
Today we are in the month of August, 2023. The next date
has been fixed for evidence on 28th August, 2023. Either the
special court did not care of time-bound schedule or there is
non-cooperation by the prosecution, the advantage of which
should go to the accused. The rejection of bail of the
petitioner earlier was for the purpose of the progress of the
trial and for the Court to see that the provisions of Section 35
of POCSO Act are complied.

The legislative intention is a time-bound schedule under
POCSO Act. The manner in which the trial is progressing

before the learned trial court, I am of the view that none of the stakeholders take care of the time-bound programme as has been settled by the legislature. The accused is in custody for more than 9 months.

Having regard to the period of detention of the petitioner, I am inclined to release the petitioner on bail.

Accordingly, the petitioner namely Nantu Das is released on bail subject to furnishing bond of ₹10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Ranaghat. If on bail, the petitioner shall be physically present each and every date so fixed by the learned trial court. The petitioner shall stay outside the jurisdiction of Ranaghat Police Station and shall enter the jurisdiction only for the purpose of meeting the officer-in-charge/inspector-in-charge of the concerned police station once in a week and for the purpose of court proceeding.

The Inspector-in-Charge, Ranaghat Police Station is directed that protection be extended to all the witnesses who are staying in the jurisdiction of Ranaghat Police Station and in case, any issue arise regarding any attempt of tampering or threatening the witnesses concerned, the same be brought to the notice of the learned special court.

Under such circumstances, learned special court without referring the issue to this Court will be entitled to cancel the bail of the present petitioner.

Accordingly, CRM(SB) 157 of 2023 is allowed.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order be immediately made available to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)