

09.01.2023

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Allowed

C.R.M. (DB) No. 3942 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jibantala Police Station Case No. 144 of 2015 dated 14.03.2015 under Sections 326/307/379/201/120(b) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Nur Alam Mistri petitioner

Mr. Neil Basu

Mr. Rahul Kumar Singh

Mr. Sankha Biswas

.....for the petitioner

Ms. Faria Hossain

Mr. Anand Keshari

....for the State

Learned Counsel appearing for the petitioner submits he is in custody for more than seven years. It is also submitted that there is very slow progress in the trial. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Vulnerable witness i.e. the victim has been examined. Examination of her parents was fixed on 04.01.2023. We are informed that the witnesses did not turn up on that date.

In view of the aforesaid circumstances which indicate inordinate delay in trial infracting the fundamental right to speedy trial of the petitioner, we are inclined to grant bail to him on such score, however, subject to strict conditions.

Accordingly we direct that the petitioner shall 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 Additional Chief Judicial Magistrate, Alipore, South 24-Parganas, on conditions that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing and on further conditions that the petitioner shall not enter the jurisdiction of Jibantala Police Station except for the purpose of attending court proceedings and shall provide the address where he shall presently reside to the said officer-in-charge as well as 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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)