

28.11.2023
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allowed

CRM(DB) No. 4079 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Burtolla Police Station Case No. 120 of 2017 dated 30.05.2017 under Sections 120B/201/370A/366B of the Indian Penal Code and Sections 17/21 of the POCSO Act and Section 14C of the Foreigners Act.

And

In Re : Raj Kumar Singh @ Raju @ Rajkumar Singh..... petitioner

Mr. Ayan Bhattacharya
Mr. Kunal Ganguly
Mr. Tirthankar Mukherjee
Ms. Madhurima Sarkar

....for the petitioner

Ms. Anusuya Sinha
Ms. Sayanti Santra

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for five years and ten months. He prays for bail on the ground of delay.

2. Learned Counsel for the State opposes the prayer for bail and submits report with regard to the status of the proceeding. Report is placed on record.

3. In spite of notice nobody appears for the victim.

4. We have considered the materials on record. Vulnerable witness i.e. victim has been examined. Twelve witnesses have also been examined. Prosecution proposes to examine a large number of witnesses. There is no possibility of trial concluding in the near future. Hence, we are inclined to grant bail to the petitioner.

5. 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 learned Judge, Bench-II, City Sessions Court, Calcutta (POCSO), subject to conditions that petitioner 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.

6. 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.

7. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)