

16.06.2023  
Court No.01  
Item No. 5  
**Allowed**

**CIRCUIT BENCH OF CALCUTTA HIGH COURT  
AT JALPAIGURI**

ar

**CRM (DB) 318 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nagrakata Police Case No. 51 of 2015 dated 10.4.2015 under Section 4 of the POCSO Act.

And

In Re: **Kamaljit Munda**

Petitioner

Mr. Kallal Ghosh  
Mr. Raj Kumar Gupta  
Mr. Bhanu Singha Sarkar  
Mr. Rakesh Gupta  
Mr. Kishan Sah  
Mr.Utpal Dutta

For the Petitioner

Mr. Aniruddha Biswas

For the de-facto complainant

Ms. Aditi Shankar Chakraborty, Ld. APP  
Mr. Arjun Chowdhury

For the State

1. Learned counsel for the petitioner submits that petitioner is in custody since 10<sup>th</sup> April, 2015. Till date only the victim out of 13 charge-sheeted witnesses has been examined. The delay in the trial is not attributable to the petitioner. The petitioner has no criminal antecedent.
2. Considering the aforesaid materials together with long incarceration of the petitioner, the progress of the trial which appears to be slow and tardy and having regard to the fact that there is no possibility of the trial being concluded within a reasonable time and there is nothing adverse against the

conduct of the petitioner and also having regard to the fact that he has no criminal antecedents, we feel that further detention of the petitioner is not required and we allow the prayer for bail of the petitioner on the following conditions:

- i) The petitioner shall be released on bail upon furnishing a bond of Rs.2,500/- (Rupees Two Thousand Five Hundred only), with one local surety subject to satisfaction of the Learned Special Court under POCSO Act, Jalpaiguri and on further condition that the petitioner shall comply with the provision of Section 437(3) of the Code of Criminal Procedure
- ii) The petitioner shall not enter the jurisdiction of Nagrakata Police Station except for the purpose of attending Court or meeting the I.O, if required.
- iii) The petitioner shall attend each and every date of trial unless exempted in accordance with law;
- iv) The petitioner shall inform the Learned Trial Judge as well as the Officer-in-Charge of the Police Station about his place of residence during bail and trial. Any change in the same shall also be communicated within 48 hours thereafter.
- v) The petitioner shall not tamper with the evidence or hamper the investigation in any manner whatsoever;
- vi) In the event of non-compliance of any of the conditions enshrined above, the bail shall stand automatically cancelled without further reference to this Court.
- viii) Petitioner shall furnish details of his Aadhaar Card, Telephone Number, Email, PAN Card, bank Account Number, if any. The petitioner shall surrender his passport to the learned Trial Court. In the event he does not

hold any passport, he shall file an affidavit to that effect before the learned Trial Court;

The application for bail of the petitioner is allowed. CRM (DB) 318 of 2023 is accordingly, disposed of.

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

**(Raja Basu Chowdhury, J)**

**(Soumen Sen, J)**