

05.02.2024
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Allowed

C.R.M.(DB) No. 198 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranibandh Police Station Case No. 30 of 2017 dated 29.08.2017 under Sections 363/366/366A of the Indian Penal Code and charge-sheet has been filed under Sections 363/366/366A/372/376 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

And

In Re : Sailendra Kumar petitioner

Mr. Arkaprabho Roy
Mr. Anish Roy
Mr. Debrup Choudhury
Mr. P. Mukherjee
... for the petitioner

Mr. Sandip Chakraborty
... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than six years. It is also submitted there is inordinate delay in trial. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner had trafficked women for sexual exploitation.

3. We have considered the materials on record. Petitioner is in custody for more than six years. Trial has not come to an end. Though allegations against the petitioner are serious, in view of inordinate delay in trial and protracted period of detention suffered by the petitioner, we are inclined to release him on bail.

4. 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, Special Court under POCSO Act, Khatra, subject to conditions that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

5. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)