

3.
04-07-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 1518 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tehatta Police Station Case No.332 of 2020 dated 14-08-2020 under Sections 363/376/DA of the Indian Penal Code and Section 6 of the POCSO Act.

- A n d -

In the matter of : Suman Majumder & Anr.

.... Petitioners.

Mr. Bibaswan Bhattacharya,
Mr. Amanul Islam,
Mr. Sourav Mukherjee

... For the Petitioners.

Mr. Partha Pratim Das,
Mr. Rafiqul Islam

... For the State.

Mr. Shahan Shah

... For the victim girl.

Affidavit-of-Service filed in Court today be kept with the records.

The bail prayer of the petitioners was rejected thrice earlier. The last of such rejection was on March 13, 2023. The petitioners say that they are in custody for 3 years 11 months. Only 2 out of 13 charge-sheet named witnesses have been examined. On the ground of delay in progress of the trial, they pray for bail.

Learned advocates for the State and the victim girl strongly oppose the prayer. They say that the charge is serious. The charge is of gang raping a 13-year old girl. The girl in her deposition has clearly implicated these petitioners. Some time may be granted for completion of the trial.

3 years 11 months is a very long period of time. Charge sheet was filed on October 05, 2020. Charge was ultimately framed on July 04, 2023, i.e., after almost 2 years

and 9 months from filing of charge sheet. This unexplained delay is shocking.

The victim girl has been examined. In view of the very long detention of the petitioners, we are inclined to grant them bail only on the ground of delay in trial, but on stringent conditions.

Accordingly, we direct that the petitioners, namely, **Suman Majumder** and **Shubha @ Subho Biswas**, shall be released on bail upon furnishing bonds of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Judge, Special Court under POCSO Act, Tehatta, Nadia. The petitioners 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. The petitioners shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once in every fortnight until further orders. The petitioners shall not enter the jurisdiction where the victim girl resides except for the purpose of attending the court proceedings and meeting the concerned Officer-in-Charge, until further orders.

In the event the petitioners fail to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 1518 of 2024 is, thus, **allowed**.

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

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)