

CRM (DB) 1801 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Narayanpur Police Station** Case No. **323 of 2021** dated **08.11.2021** under Sections **376/511/201/202/34** of the Indian Penal Code read with Sections 8/10 of the POCSO Act.

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In the matter of : Father of the victim girl

.... Petitioner.

Mr. Debasis Kar,
Mr. Arka P. Bhadra,

... For the Petitioner.

Ms. S. Santra,
Ms. A. Sinha,

... For the State.

From the affidavit of service filed in Court today we see that the defacto complainant has received notice of this bail application. However, none appears for her or the victim girl.

The petitioner is the father of the victim girl. He says that he has been falsely implicated at the instance of his wife with whom he has marital discord. He is in custody for two years and seven months. Witness action has not begun. He should be released on bail on such conditions as this Court may decide.

While opposing the prayer for bail, learned Advocate for the State draws our attention to the material in the case diary. She says that there is enough incriminating material against the petitioner.

Be that as it may, we are told that charge sheet was filed on December 3, 2021. Charge was framed on June 13, 2024. We are at a loss to understand why there was such a delay in framing of charge. There are 13 witnesses named in the charge sheet.

There is practically no chance of the trial coming to an early conclusion.

Keeping in mind the importance of the petitioner's fundamental right to personal liberty and to receive speedy justice, purely on the ground of delay in progress of the trial, we enlarge the petitioner on bail.

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 Special Judge under the POCSO Act, Barrackpore, North 24 Parganas and on further conditions that he shall not enter the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The 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.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail is, accordingly, allowed.

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

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)