

19.06.2024  
Item no.60.  
Court No.28.  
S. De  
(Allowed)

**CRM (DB) No. 1791 of 2024**

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 11.06.2024 in connection with Garden Reach Police Station Case No. 59 of 2018 dated 18.03.2018 under Sections 376/366A of the Indian Penal Code read with Section 4 of the POCSO Act.

And

**In the matter of : Sk Rinku Alam @ Rinku.**

**.....Petitioner.**

Mr. Sabir Ahmed,  
Ms. Madhushri Dutta,  
.....for the Petitioner.  
Ms. Baisali Basu,  
Mr. Ratul Ghosh, .....for the State.

The petitioner says that he has been framed in this matter. He has not committed any offence. He is in custody for 6 years, 3 months and 2 days. It is anybody's guess when the trial will conclude. He should be enlarged on bail.

Learned advocate for the State opposes the prayer for bail. She says that the victim girl has already been examined and the date fixed for examination of her mother is July 29, 2024.

We understand that there are 14 witnesses. Only PW-2 is scheduled to be examined on July 29, 2024. There is little possibility of early conclusion of the trial. The petitioner is in incarceration for 6 years and 3 months. We cannot lose sight of

the fundamental right to personal liberty under Article 21 of the Constitution of India. Further, the victim girl has already been examined.

In the facts and circumstances aforesaid, we are of the view that further detention of the petitioner is absolutely unnecessary.

Accordingly, we direct that the petitioner namely **Sk. Rinku Alam @ Rinku** 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 Court & 2<sup>nd</sup> Additional Sessions Judge, Alipore under Protection of Children from Sexual Offences Act, and on further conditions that he shall remain within the jurisdiction of the concerned police station.

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 and/or commit any cognizable offence 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.

**(Gaurang Kanth, J.)**

**(Arijit Banerjee, J.)**