

16.08.2024
Item no.05.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 1897 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Chhatna Police Station Case No. 90 of 2019 dated 22.10.2019 under Sections 376(2)(i)(j)/376(D)/328 of the Indian Penal Code and under Section 4/6 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of : Sukhendu Saren @ Sukhen.

.....Petitioner.

Mr. Soumik Ganguli,for the Petitioner.

Mr. Bitashok Banerjee,
Ms. Madhumita Basak,for the State.

Dictated by Arijit Banerjee, J.

1. Report filed on behalf of the State be kept with the records.
2. The petitioner is in custody for about 4 years and 9 months. It appears that on the last date fixed for examination of witnesses, nothing happened.
3. Vulnerable witnesses have been examined. 7 witnesses still remain to be examined.
4. We cannot lose sight of the paramount importance of a citizen's fundamental right to personal liberty and speedy trial. The petitioner is in custody for almost 5 years. Purely on the ground of delay in progress of trial, we are inclined to enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely **Sukhendu Saren @ Sukhen** 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), Bankura on condition that the present accused petitioner shall appear before the Trial Court on each date of substantive hearing subject to the provisions of Section 317 Cr.P.C. and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.
6. 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.
7. The application for bail is, accordingly, allowed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)

