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08-07-2024
(ct. no.28)
KOLE
Allowed

CRM (DB) 1957 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Deganga Police Station** Case No. **635 of 2021** dated **18.10.2021** under Sections **376(3)/506** of the Indian Penal Code and Section 6 of the POCSO Act.
- A n d -

In the matter of : Sujit Das

.... Petitioner.

Mr. Sumanta Chakraborty,

... For the petitioner.

Mr. Minoti Gomes,
Mr. Srilekha Chattopadhyay,

... For the State.

Order dictated in open court by Apurba Sinha Ray, J.

The petitioner renews his prayer for bail which was earlier rejected by a Coordinate Bench of this Court on September 26, 2022 wherein the learned Trial Court was directed to expedite the trial and conclude the same at an early date preferably within six months from the next date fixed for recording of evidence without granting unnecessary adjournments to either of the parties.

Learned Advocate for the petitioner says that the petitioner has been languishing in judicial custody for about two years and eight months. Vulnerable witnesses have already been examined. There is nothing in the medical report implicating the present petitioner. Considering the lengthy period of detention he may be enlarged on bail on any condition.

Learned Counsel for the State opposes the prayer for bail and seeks for six months time to complete the entire evidence of the prosecution.

We have gone through the materials on record including the deposition and the medical report. It is also found from the record that the prosecution has failed to adhere to the time limit granted by the Coordinate Bench on 26.09.2022.

We cannot lose sight of the paramount importance of the fundamental right of a citizen to personal liberty and speedy trial. Such right must override all other considerations.

Hence, solely on the ground of delay in the trial, we allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely, **Sujit Das**, 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 the POCSO Act, Barasat, North 24 Parganas and on further conditions that he shall not leave 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 fail 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.)