

15.07.2024
Item no. 20.
Court No.28.
AB
(Allowed)

CRM (DB) 1999 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali Police Station Case No.264 of 2018 Dated 9.8.2018 under Sections 376/325/307/326 of the Indian Penal Code

And

In the matter of : Ripan Sikder

.....Petitioner.

Mr. Soumik Ganguly,
Mr. Debangshu Bandhufor the Petitioner.

Mr. Iqbal Kabir,
Mr. Tirupati Mukherjeefor the State.

Ms. Trina Mitrafor the Victim Girl.

The petitioner says that he is in custody for five years ten months. Primarily on the ground of delay in trial, he renews his prayer for bail.

Learned Advocates for the State and the victim girl oppose the prayer for bail on the ground that the victim was brutally assaulted and also raped.

We have seen the evidence of seven witnesses, who have deposed till date. It cannot be said that the petitioner will definitely be convicted.

In any event, five years ten months is far too long a period to keep an under-trial in custody. We cannot be oblivious of a citizen's rights under Article 21 of the Constitution.

We are told that only seven out of eighteen witnesses have been examined so far. Charge sheet was filed in 2018 and charge was framed in 2019. Mainly on the ground of delay in completion of trial, we are inclined to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely **Ripan Sikder** 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 at Ranaghat, Nadia, and on further conditions that the petitioner shall not enter the jurisdiction of Hanskhali Police Station except for the purpose of attending Court proceedings and shall also furnish the address where he will be residing to the Officer-in-charge in whose jurisdiction he will be residing and shall also appear before such Officer-in-charge 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 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)