

15.07.2024
Item no. 24.
Court No.28.
AB
(Allowed)

CRM (DB) 2041 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Dankuni Police Station Case No.154 of 2017 Dated 18.04.2017 under Section 376(2)(b) (n) of the Indian Penal Code

And

In the matter of : Sk. Kalia @ Sk. Rahim

.....Petitioner.

Ms. Jeenia Rudrafor the Petitioner.

Mr. Debasish Roy, Id. PP
Mr. Bidyut Kr. Roy,
Ms. Eshita Duttafor the State.

Mr. P. S. Mondalfor the Victim Girl.

The petitioner renews his prayer for bail, which was lastly rejected on June 21, 2022. He says that he is in custody for seven years two months. On the ground of delay in trial, he prays for bail.

The State has filed a report pursuant to our earlier direction. We find that charge was framed on March 7, 2018. Till now, only 1 out of 15 witnesses has been examined. There is no chance of an early conclusion of the trial.

Solely on the ground of delay in progress of the trial, which cannot be attributed to the petitioner to any extent, we allow the petitioner's prayer for bail, but on stringent conditions.

Accordingly, we direct that the petitioner, namely **Sk. Kalia @ Sk. Rahim** 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 Additional Chief Judicial Magistrate, Serampore, 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 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.

Since the trial is pending for a long period of time, we direct the learned Trial Court to expedite the trial to the utmost and conclude the same as soon as possible.

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.)

