

36.
15-07-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2081 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dholahat Police Station Case No.371 of 2016 dated 03-09-2016 under Sections 363/366A/365 of the Indian Penal Code.

- A n d -

In the matter of : Rahamat Dhali

.... Petitioner.

Mr. Ayan Basu,
Mr. Sandip Kumar Mondal,
Mr. Sumit Routh

... For the Petitioner.

Mr. Rana Mukherjee, learned APP,
Mr. Debanik Das

... For the State.

Mr. E. Ali Molla

... Defacto complainant-in-person.

The petitioner says that he is in custody for 3 years 6 months. He says that only 1 out of 15 charge sheet named witnesses has been examined, and that too, in part. Nobody knows when the trial would conclude. He should be granted bail.

Learned Additional Public Prosecutor strongly opposes the prayer for bail. The defacto complainant appears in person and also opposes the prayer.

We have seen the material in the Case Diary. We do not wish to make any comment on the quality or quantity of material that is there against the petitioner. However, there appears to be *prima facie* some discrepancy in the statements of witnesses recorded under Section 161 Cr.P.C. and Section 164 Cr.P.C.

Primarily on the ground of inordinate delay in the progress of trial, we are inclined to grant bail to the petitioner. We keep on record that after the charge was framed in

January, 2023, on fifteen consecutive dates, witnesses did not turn up for being examined.

Accordingly, we direct that the petitioner, namely, **Rahamat Dhali**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional District and Sessions Judge, 1st Court under POCSO Act, Kakdwip, South 24-Parganas. 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. The petitioner shall not enter the jurisdiction where the victim girl resides except for the purpose of attending the court proceedings and shall not leave the geographical limits of the district of South 24-Parganas, until further orders. The petitioner shall inform through his learned advocate the learned trial Court and the Officer-in-Charge of the jurisdictional police station his current local address where he shall be residing while on bail and shall meet the Officer-in-Charge of the said police station once in a week until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 2081 of 2024 is, thus, **allowed**.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)