

29.
16-08-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2242 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dholahat Police Station Case No.314 of 2022 dated 03-07-2022 under Section 376(AB) of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Ajit Paik

.... Petitioner.

Mr.Santanu Deb Roy,
Mr. Dipankar Guha

... For the Petitioner.

Mr. Arindam Sen,
Ms. Nandini Chatterjee

... For the State.

Dictated by Arijit Banerjee, J.

The petitioner is in custody for about 2 years and 1 month. He renews his prayer for bail which was rejected on September 21, 2022 and July 04, 2023. He says that out of 10 witnesses, only 4 witnesses have been examined so far. There is no certainty as to when the trial would conclude. All vulnerable witnesses have been examined. There is no reason to detain the petitioner any further.

While opposing the prayer for bail, learned advocate for the State draws out attention to the material in the Case Diary as also the depositions of the witnesses who have already been examined including the victim girl.

Although there may be some incriminating evidence against the petitioner, we see that he has been in custody for a long period of time. There is no certainty of the trial concluding at an early date.

Considering the overall facts and circumstances of the case, the fact that the vulnerable witnesses have been examined and the lengthy detention of the petitioner and keeping in view the importance of the fundamental right of a citizen to personal liberty and speedy trial, we are inclined to enlarge the petitioner on bail.

Accordingly, we direct that the petitioner, namely, **Ajit Paik**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two registered sureties of like amount each, to the satisfaction of learned Additional District and Sessions Judge, 1st Court, and Special Court under POCSO Act, Kakdwip. The petitioner shall appear before the trial Court on every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once in every fortnight 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) 2242 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

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

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)