

16.
Court
No.28

29.08.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2295 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Sabang** Police Station Case **No.504/2018** dated **09.12.2018** under Section **6** of the POCSO Act, 2012.

And

In the matter of: - **Nanigopal Majhi**

Mr. Anand Keshari
Ms. Soumili Choudhury
Ms. Pubali Debnath

...petitioner.

Mr. Arnab Chatterjee
Ms. Suchismita Dutta

...for the petitioner.

...for the State.

Dictated by Arijit Banerjee, J.

1. Service report filed by the State be kept with the records. In spite of service of this bail application on the *de facto* complainant, nobody appears on her behalf.
2. The petitioner is in custody for more than five years and eight months. He says that all vulnerable witnesses have been examined. It is anybody's guess as to when the trial will conclude. Purely on the ground of delay in progress of the trial, the petitioner prays for bail.
3. While opposing the prayer for bail, learned Counsel for the State draws our attention to the relevant material in the case diary. He says that 14 out of 20 witnesses have been

examined. He agrees that all vulnerable witnesses have been examined.

4. Five years and eight months is too long a period of time to keep an under-trial in incarceration. Charge was framed in February 2019. We do not see any earthly reason as to why the trial could not have been completed long before.
5. Keeping in mind the paramount importance of a citizen's fundamental right to personal liberty and speedy trial, solely on the ground of delay in progress of trial and without commenting on the merits of the case, we allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely, **Nanigopal Majhi** 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 the learned Additional Sessions Judge, 2nd Court, (Special Court under POCSO Act) Paschim Medinipur, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not enter the territorial jurisdiction of Sabang Police Station except for the purpose of attending Court proceedings and shall furnish his current address to the

Officer-in-Charge of Sabang Police station and shall also meet the Officer-in-Charge of the jurisdictional Police Station, where he will be presently residing, once in every fortnight, until further orders. The petitioner shall not intimidate and/or disturb the victim girl and her family members in any manner whatsoever.

7. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
8. The application for bail being CRM (DB) 2295 of 2024 is accordingly disposed of.
9. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)