

14. 30.09.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2552 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, arising out of **Amdanga** Police Station Case No. **236/2020**, dated **19.04.2020**, under Sections **376(2)(1)/376(3)** of the Indian Penal Code read with Section **6** of the POCSO Act.

And

In the matter of: - **Uday Chatterjee**

...petitioner.

Mr. Moyukh Mukherjee
Mr.Sarthak Mondal

...for the petitioner.

Mr. Iqbal Kabir
Mr. Arabinda Manna

...for the State.

Mr. Surajit Basu
Mr. Pritam Chakraborty

...for the *de facto* complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for more than four years and six months. Witness action has not begun. Therefore, the question of an early conclusion of the trial does not arise. Purely on the ground of delay, he prays for bail.
2. While opposing the prayer for bail learned Advocates for the State and the *de facto* complainant, draw our attention to the material in the case diary including the statement of the victim girl. They say that there is sufficient incriminating evidence against the petitioner.
3. The prosecution may have a very strong case to secure the petitioner’s conviction. Nobody stops the prosecution from

doing so. However, we are alarmed to know that not a single witness has been examined till date. We are told that there are 20 charge-sheet named witnesses. We see no possibility of an early conclusion of the trial. The trial has in fact not started.

4. Without making any comment on the merits of the case, solely on the ground of inordinate and unexplained delay in progress of the trial, we feel constrained to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Uday Chatterjee** 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 Judge, Special Court under POCSO Act, Barasat, North 24-Parganas, 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 geographical limits of the district of North 24-Parganas, except for the purpose of attending Court proceedings and shall furnish his present address, where he will be residing, to the Officer-in-Charge of Amdanga Police Station, and shall also meet the Officer-in-Charge of the jurisdictional Police

Station, where he will be presently residing, once in a week, until further orders.

6. 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.
7. Since this is an old case, we request the learned Trial Court to expedite the trial to the extent the business of the Court may permit. The parties must co-operate with the learned Trial Court.
8. The application for bail being CRM (DB) 2552 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.)