

37.
03-09-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2610 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Belur Police Station Case No.01 of 2018 dated 01-01-2018 under Sections 376/120B/34 of the Indian Penal Code and Sections 6/8/12 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Hrishi Kumar Singh

.... Petitioner.

Mr. Shataroop Purkayastha,
Mr. Jagriti Bhattacharyya,
Ms. Supriya Datta

... For the Petitioner.

Ms. Minoti Gomes,
Mr. Sujoy Sarkar

... For the State.

Dictated by Arijit Banerjee, J.

Service Report filed by the State be kept with the records. Nobody appears for the defacto complainant/victim.

In the order dated August 16, 2024, the names of learned advocates for the State have been wrongly printed. The names shall be as follows:

Ms. Minoti Gomes,
Mr. Sujoy Sarkar

... For the State.

Let the aforesaid correction be incorporated in the order dated August 16, 2024, by the concerned department.

The petitioner complains that he is in custody for over 6 years 8 months. Three other co-accused persons are on bail. Only 4 out of 26 charge sheet named witnesses have

been examined. He prays for bail solely on the ground of delay in progress of trial.

Opposing the prayer for bail, learned advocate for the State draws our attention to the material in the Case Diary. She says that there is sufficient incriminating material against this petitioner. All attempts will be made to expedite the trial.

We are astonished to find that in about seven years, four witnesses only have been examined. This is complete abrogation of a citizen's fundamental right to personal liberty and speedy trial. The prosecution may have an excellent case for convicting an under-trial. However, that would not justify incarceration of the under-trial for an indefinitely long period of time without bringing the trial to a logical conclusion. Without making comment on the merits of the case and purely on the ground of delay in progress of trial and the very lengthy detention of the petitioner, we allow the prayer of the petitioner for bail.

Accordingly, we direct that the petitioner, namely, **Hrishi Kumar Singh**, 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 Judge, Special Court under POCSO Act, Howrah. The petitioner shall appear before the learned 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 remain within the jurisdiction of local police station and report to the Officer-in-Charge/Inspector-in-Charge of the said police station once in every 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) 2610 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.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)