

13.
25-09-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2646 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Gobardanga Police Station Case No.30 of 2022 dated 22-01-2022 under Section 376(3) of the Indian Penal Code and Section 6 of the POCSO Act.

- A n d -

In the matter of : Ananda Biswas

.... Petitioner.

Mr. Kajal Mukherjee,
Mr. Bikash Chakraborty

... For the Petitioner.

Mr. Debasish Roy, learned Public Prosecutor,
Ms. Amita Gaur,
Ms. Chandreyi Dutta

... For the State.

Ms. Sudeshna Das

... For the defacto complainant.

Dictated by Arijit Banerjee, J.

Report filed by the State be taken on record.

The petitioner says that he is in custody for about two years nine months. Only one out of twenty two charge sheet named witnesses has been examined. The examination and cross-examination of the victim girl was completed on February 08, 2023. One and a half years have elapsed since then. No other witness has been examined. He prays for bail on the ground of delay in progress of trial.

Learned advocates for the State and the defacto complainant oppose the prayer for bail and say that there is sufficient incriminating evidence against the petitioner.

Although examination of the victim girl has been completed, she may need to be recalled.

We see that there is no possibility of early conclusion of the trial. The only witness, i.e., the victim was examined in February, 2023. After that, there has been no progress in the trial. The last two dates fixed were September 21 and 23, 2024. The witnesses did not turn up.

In view of the aforesaid and keeping in mind the paramount importance of a citizen's fundamental right to personal liberty and speedy trial, we are constrained to allow the petitioner's prayer for bail, but on stringent conditions.

Accordingly, we direct that the petitioner, namely, **Ananda Biswas**, 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, Barasat, North 24-Parganas. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not enter the districts of North 24-Parganas and South 24-Parganas except for the purposes of attending the court proceedings and meeting the Officer-in-Charge/Inspector-in-Charge of the jurisdictional police station and shall inform, through his learned advocate, the learned trial Court and Officer-in-Charge/Inspector-in-Charge of Gobardanga Police Station his current local address where he shall be residing while on bail. The petitioner shall report to the Officer-in-Charge/Inspector-in-Charge of the jurisdictional 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) 2646 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)