

CRM (DB) 2741 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Debra Police Station Case No. 701 of 2019** dated **30.12.2019** under Sections **341/376D/328/34** of the Indian Penal Code and Section 6 of the POCSO Act.

- A n d -

In the matter of : Subhadip Munain

.... Petitioner.

Mr. Soumya Basu Roychowdhury,

.... For the petitioner.

Mr. Ranadeb Sengupta,
Mr. A. Paul,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner renews his prayer for bail which was last rejected on November 20, 2020. He says that he is in custody for about four years nine months. Only 5 out of 20 charge sheet named witnesses have been examined. Vulnerable witnesses have already been examined. There is no possibility of an early conclusion of the trial. On the ground of delay in progress of trial, he renews his prayer for bail.

2. Opposing the prayer, learned State Advocate says that the victim girl in her deposition has clearly implicated the present petitioner as the main perpetrator. The delay in progress of trial cannot be wholly attributed to the prosecution. All efforts will be made to expedite the trial.

3. Four years nine months is far too long a period of time to keep an under trial in incarceration without taking the trial to its logical conclusion. The prosecution may have an iron cast case

against the petitioner. The prosecution may well secure the petitioner's conviction. However, that would not justify continued detention of the petitioner for an indefinite period of time. The importance of a citizen's fundamental right to personal liberty and speedy trial can hardly be over-emphasized.

4. Accordingly, without commenting on the merits of the case, solely on the ground of delay in progress of trial, we enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Subhadip Munain**, shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Special Judge under the POCSO Act, Paschim Medinipur subject to condition that he shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter the jurisdiction of Debra Police Station and shall not leave the jurisdiction of district Paschim Medinipur and shall meet the officer in charge of the concerned Police Station where he shall reside once in a week until further orders.

6. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

7. The application for bail is, accordingly, allowed.

8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)