

19. 04.10.2024
Court
No.28 (Tanmoy)

Allowed

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2879 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 **Raninagar** Police Station Case No. **60/2019**, dated **30.01.2019**, under Sections **302/201/376(D)** of the Indian Penal Code read with Section **6** of the POCSO Act.

And

In the matter of: - **Nentu Mondal @ Nantu Mondal & Anr.**

...petitioners.

Mr. Mr. Jisan Iqubal Hossain

...for the petitioners.

Ms. Faria Hossain

Mr. M.F.A. Beg

...for the State.

Dictated by Arijit Banerjee, J.

1. Read order dated September 19, 2024.
 2. The petitioners renew their prayer for bail which was last rejected on February 13, 2020, in CRM 1498 of 2020. They complain of delay in progress of trial. They say that they are in custody for five years and seven months. Only four out of 31 charge-sheet named witnesses have been examined.
 3. Learned Advocate for the State opposes the prayer for bail and says that there is clinching evidence against the petitioners. A 13-year old minor girl was raped and murdered. The prosecution intends to examine only 20 witnesses. The trial could be expedited.
 4. We have considered the facts and circumstances of the case.
- We have also seen the depositions of the witnesses who have

already deposed, including that of the *de facto* complainant being the father of the victim girl. It cannot be said that there is no incriminating evidence against the petitioners.

5. However, we cannot lose sight of the paramount importance of a citizen's fundamental right to personal liberty and speedy trial. The petitioners are in judicial custody for a very long period of time. There is little likelihood of an early conclusion of the trial. Solely on the ground of delay in progress of trial, we are inclined to grant bail to the petitioners. The prayer for bail is, thus, allowed.

6. Accordingly, we direct that the petitioners, namely, **1. Nentu Mondal @ Nantu Mondal, 2. Biswajit Mondal @ Haru** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) each, 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, Berhampore, Murshidabad, subject to condition that the petitioners 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 petitioners, while on bail, shall not enter the geographical limits of the district of Murshidabad except for the purpose of attending Court proceedings. They shall stay only in the territorial jurisdiction of the district of Nadia and

shall furnish their present address, where they will be residing, to the Officer-in-Charge of Raninagar Police Station and also meet the Officer-in-Charge of the jurisdictional Police Station, where they will be presently residing, once in a week, until further orders.

7. In the event the petitioners fail to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.
8. The application for bail being CRM (DB) 2879 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.)