

CRM (DB) 3077 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 **Salanpur Police Station** Case No. **12 of 2023** dated **11.01.2023** under Sections **376(2)(f)** of the Indian Penal Code and Sections 4/6/8 of the POCSO Act.

- A n d -

In the matter of : Pradyut Kumar Sural @ Bacchu

.... Petitioner.

Mr. Ayan Basu,
Mr. Sk. Salim,

... For the Petitioner.

Mr. Joydeep Roy,
Mr. Parvej Anam,

... For the State.

Order dictated by Apurba Sinha Ray, J.:

1. Service report as well as the status report filed by the State in court today be kept with the records.
2. Learned Advocate for the petitioner submits that the petitioner has been falsely implicated in this case. Prima facie, the medical report does not support the prosecution case. However, investigation is complete and examination of witnesses is going on. The prosecution has been able to examine only one witness. As there is no chance of an early conclusion of the trial, he prays for bail. Charge was framed on April 10, 2023. During the one year eight months after framing of charge, only one witness has been examined.
3. Learned Advocate for the State opposes the prayer for bail. According to him, there are sufficient incriminating materials against the present petitioner in the case diary as well as in the deposition of the victim girl. If the petitioner is enlarged on bail the prosecution may suffer a lot.

4. We have considered the medical report which *prima facie* does not support the prosecution case. Further, there are 14 witnesses out of which only 1 has been examined and we find that the petitioner is in custody for almost two years. Considering his fundamental right under Article 21 of the Constitution of India, we are inclined to enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Pradyut Kumar Sural @ Bacchu**, 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, Asansol subject to condition that he shall appear before the trial court on 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 leave the jurisdiction of concerned Police Station and shall meet the I.C. of the concerned police station once every 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.)**