

CRM (DB) 3177 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 **Baranagar Police Station** Case No. **711 of 2022** dated **06.12.2022** under Sections **365/366A/370A/376** of the Indian Penal Code and Sections 4/6/17 of the POCSO Act and Sections 3/4/5/6/7/9 of the Immoral Traffic (Prevention) Act.

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In the matter of : Rinki Das

.... Petitioner.

Mr. Uday Shankar Chattopadhyay,
Mr. Sagnik Bhattacharyya,

... For the Petitioner.

Mr. Debasish Roy,
Mr. Arijit Ganguly,
Mr. Koushik Kundu,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Status report and service filed by the State in court today be kept with the records. In spite of service nobody appears for the defacto complainant/victim.
2. The petitioner says that she is in custody for two days short of two years. Even charge has not been framed. There is no possibility of an early conclusion of the trial. On the touchstone of Article 21 of the Constitution of India, she renews her prayer for bail which was lastly rejected on November 23, 2023.
3. Learned State Advocate says that January 3, 2025, is the date fixed for consideration of charge.
4. From the status report we find that indeed charge is yet to be framed. There are 26 charge sheet named witnesses. The trial has not yet begun. It is impossible to conclude the trial on an early date.

5. We have to give due importance to the fundamental right that every under trial has to speedy justice and personal liberty. The prosecution may have an excellent case to secure the conviction of the petitioner. Nobody stands in the way of the prosecution doing so. However, that would not *per se* justify indefinite incarceration of the petitioner without taking the trial to its logical conclusion.

6. Without going into the merits of the case and solely on the ground of infraction of the petitioner's fundamental right to speedy trial and personal liberty, we are impelled to enlarge the petitioner on bail.

7. Accordingly, we direct that the petitioner, namely, **Rinki Das**, 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, North 24 Parganas subject to condition that she 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 enter the districts of South 24 Parganas and North 24 Parganas except for the purpose of attending court proceedings and shall provide her address where she will reside to the Officer in Charge of the concerned police station, until further orders.

8. 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.

9. The application for bail is, accordingly, allowed.
10. 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.)