

Item no.49.

S. De

CRM (DB) No. 3423 of 2024

And

.....Petitioner.

Mr. Gouranga Kr. Das,
Mr. Kapil Sahoo,
Ms. Poulami Dutta,
.....for the de facto complainant.

Dictated by Arijit Banerjee, J.

custody for 471 days. There is no possibility of an early conclusion of the trial as the trial has not even begun.

3. Opposing the prayer, learned advocate for the State and the de facto complainant draw our attention to the statement of the victim girl recorded under Section 164 Cr.P.C. Prima facie, it appears that the statement is a little ambiguous. The medical report, prima facie, does not support the prosecution case.
4. In view of the above and considering that the petitioner is in custody for about 1 year 3 months without there being any progress in the trial, we are inclined to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Dudhiram Naiya @ Dudhkumar Naiya** 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 Judge, Special Court (under POCSO Act), Kakdwip, South 24 Parganas and on further conditions that he shall not enter the jurisdiction of the concerned police station except for the purpose of attending Court proceedings and shall also furnish the address where he will be residing to the Officer-in-Charge in whose jurisdiction he will be

residing and shall also appear before such Officer-in-Charge once in a fortnight until further orders.

6. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
7. 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.
8. The application for bail is, accordingly, allowed.
9. 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.)