

15.01.2024
tkm/ct 28
sl no. 45

C.R.M. (DB) 4651 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Belda PS case no. 35 of 2020 dated 30.1.2020 under sections 363/376(2)(f)(n)/506 IPC and section 6 of the POCSO Act, charge sheet submitted under sections 363/376(2)(f)(n)/506 IPC and section 6 of the POCSO Act
and

Allowed

In Re : Ashutosh Mandal @ Asutosh Mondal petitioner

Mr. Sourav Chatterjee
Mr. Sagar Saha
Mr. M Debnath

..... for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Pratick Bose

..... for the State

Mr. Somnath Adhikary

..... for the de facto complainant

1. Petitioner is in custody for about four years. He submits there is inordinate delay in trial. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer.
3. Learned lawyer for the victim also opposes the bail prayer.
4. We have considered the materials on record. Though allegations are grave and involve rape of a minor, we note vulnerable witnesses have already been examined. Petitioner is in custody for about four years and prosecution proposes to examine 12 more witnesses. There is little possibility of trial concluding in the near future.
5. Under such circumstances we are of the opinion petitioner has been able to make out a case of bail on the ground of delay in trial which has infringed fundamental right to speedy justice under Article 21 of the Constitution.
6. Accordingly, the petitioner 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 CJM, Paschim Medinipur on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

7. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
8. The application being CRM (DB) 4651 of 2023 is disposed of.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)