

20.02.2025
Item no.33.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 206 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Ranaghat Women Police Station Case No. 29 of 2020** dated **16.04.2020** under **Sections 376(2)(i)** of the **Indian Penal Code** and under **Section 4/6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.**

And

In the matter of : Apu Sarkar.Petitioner.

Mr. Manojit Debnath,for the Petitioner.

Mr. Iqbal Kabir,
Mr. Dipankar Pramanik,for the State.

Dictated by Arijit Banerjee, J.

1. Status report and the Examination-in-Chief deposition of PW-1 filed in Court today, be kept with the records.
2. We find that the petitioner is in custody for about 5 years. Only 1 prosecution witness has been examined, that too, in part.
3. Learned State counsel says that the victim girl has squarely implicated the petitioner.
4. We are not on merits. No undertrial can be kept incarcerated for an unreasonably long period of time without the trial being taken to its logical conclusion. In this case, we do not see that the huge delay in progress of trial can be attributed to the petitioner to any extent.
5. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel impelled to allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely, **Apu Sarkar** 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), Ranaghat, Nadia, subject to the condition that the petitioner shall not enter the jurisdiction of the Ranaghat Police Station except for the purpose of attending Court proceedings and shall also furnish the address where he will be residing to the Inspector-in-Charge in whose jurisdiction he will be residing and also to the learned Trial Court and shall also appear before such Inspector-in-Charge once in a week until further orders.

7. 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.

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.)