

CRM (DB) 240 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Amdanga Police Station** Case No. **619 of 2021** dated **04.12.2021** under Sections **363/365/376/506/323** of the Indian Penal Code and Section 6 of the POCSO Act.

- A n d -

In the matter of : Akher Ali Mondal

.... Petitioner.

Mr. D. Deb,
Mr. Pabitra Biswas,

... For the Petitioner.

Mr. Sandip Chakraborty,
Ms. S. Sultana,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Service report filed by the State be kept with the records.
2. Affidavit of service filed by the petitioner be also kept with the records.
3. In spite of service, nobody appears for the defacto complainant/victim.
4. The petitioner complains of inordinate delay in progress of trial. He says that he is in custody for more than three years two months. Only 2 out of 21 charge sheet named witnesses have been examined. Since September, 2024 not a single witness has been examined. PW 2, who is the defacto complainant, has been declared hostile. He prays for bail.
5. Opposing the bail prayer, learned State Advocate says that the victim girl in her statement recorded under Section 164 of the Criminal Procedure Code has specifically implicated this petitioner. All efforts will be made to complete the trial on an early date.

6. The prosecution may have a very strong case against the petitioner. Nobody stops the prosecution from securing the petitioner's conviction so that the petitioner can be punished in accordance with law. However, we find the progress of the trial to be extremely unsatisfactory. In three years two months, only 2 witnesses have been examined. One of them has been declared hostile. This definitely has made a certain dent in the prosecution case.

7. Without touching the merits of the case and solely on the ground of prolonged detention of the petitioner in judicial custody coupled with very little possibility of an early conclusion of the trial, we feel constrained to enlarge the petitioner on bail.

8. Accordingly, we direct that the petitioner, namely, **Akher Ali Mondal**, 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, Barasat, North 24 Parganas 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 the concerned police station and shall meet the I.C of the concerned police station once every fortnight until further orders.

9. 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.

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

11. 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.)