

CRM (DB) 346 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 **Murutia Police Station** Case No. **162 of 2019** dated **25.08.2019** under Sections **376(2)(f)** of the Indian Penal Code and Section 6 of the POCSO Act.

- A n d -

In the matter of : XXXXXXXXX

.... Petitioner.

Mr. Soumyajit Das Mahapatra,
Mr. G. N. Imrohi,

... For the Petitioner.

Mr. Arindam Sen,
Mrs. Pallavi Priyadarshi,

... 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 none appears for the defacto complainant/victim.
4. We see that the petitioner is in custody for more than five years. Only 2 out of 21 charge sheet named witnesses have been examined. The victim girl and her mother, being the defacto complainant (vulnerable witnesses) have been examined.
5. The State says that 10 witnesses will be examined by the prosecution. Therefore, we do not see any possibility of an early conclusion of the trial. The petitioner is in custody for a very long period of time.
6. Hence, solely on the ground of delay in progress of trial (the delay cannot be attributed to the petitioner to any appreciable extent as would appear from the records) and very little possibility

of early conclusion of the trial, without touching the merits of the case, we feel impelled to enlarge the petitioner on bail.

7. Accordingly, we direct that the petitioner, namely, **XXXXXXXXXX**, 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, Tehatta, Nadia 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 remain within the jurisdiction of the concerned police station except for the purpose of attending court proceedings and shall meet the I.C of the said police station once in a fortnight 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.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)