

20.
20-03-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 388 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Garbheta Police Station Case No.227 of 2019 dated 27-05-2019 under Section 6 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Mithun Hansda @ Shyamsundar Hansda
.... Petitioner.

Mr. Navanil De,
Mr. Srinjan Ghosh

... For the Petitioner.

Mr. Iqbal Kabir,
Ms. Sudeshna Das

... For the State.

Dictated by Arijit Banerjee, J.

1. In spite of service, nobody appears for the defacto complainant/victim.

2. The petitioner complains that he is in custody for about 5 years 9 months. All vulnerable witnesses have been examined. The prosecution has till date examined five witnesses. Five more witnesses remain to be examined. On the last date, i.e., March 11, 2025, no witness was present before the learned trial Court. Next hearing has been fixed on May 13, 2025. On the ground of inordinate delay, the petitioner seeks bail.

3. The State files a status report. Let the same be taken on record.

4. From the report and the records, we find that the delay in progress of the trial cannot be attributed to any appreciable extent to the petitioner. He is in custody for a very long period of time. Learned advocate for the State says that there is very strong evidence against this petitioner.

5. The prosecution may have the strongest possible case to secure the conviction of an accused person. That *per se* cannot justify the incarceration of an accused person for an indefinite or unreasonably long period of time.

6. Hence, without touching the merits of the case and purely on the touchstone of Article 21 of the Constitution of India, we allow the petitioner's prayer for bail.

7. Accordingly, we direct that the petitioner, namely, **Mithun Hansda @ Shyamsundar Hansda**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional District and Sessions Judge, 2nd Court, Paschim Medinipur, Special Court under POCSO Act. The petitioner shall appear before the learned 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 and shall not commit any cognizable offence in any manner whatsoever. The petitioner shall remain within the jurisdiction of local police station and shall appear before the Officer-in-Charge/Inspector-in-Charge of the said police station once in a week, until further orders.

8. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

9. The application for bail is, thus, **allowed**.

10. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

11. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)