

21.
20-03-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 422 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 Santipur Police Station Case No.971 of 2021 dated 21-11-2021 under Section 376AB of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Akhil Biswas

.... Petitioner.

Mr. Saryati Dutta,
Mrs. Dona Sanyal,
Ms. Sadia Zarreen,
Ms. Paushali Pal

... For the Petitioner.

Ms. Sayanti Santra,
Mr. Bikram Mitra

... For the State.

Mr. Chitrak Biswas

... For the defacto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for about 3 years 4 months. He has been falsely implicated due to neighbourly disputes. Only 5 out of 14 prosecution witnesses have been examined. There is no possibility of an early conclusion of the trial. He prays for bail.

2. Learned State counsel, while opposing the prayer for bail, draws our attention to the depositions of the victim girl and the defacto complainant, being her mother, recorded under Section 164 of the Code of Criminal Procedure. We have seen the medical report. The medical report *prima facie* does not support the prosecution case.

3. In any event, we see that the petitioner is in custody for a long period of time. He is 65 years old. There is very little possibility of an early conclusion of the trial.

4. Considering the period of detention of the petitioner, without touching the merits of the case and solely on the ground of inordinate delay in progress of the trial for which the petitioner cannot be blamed to any appreciable extent, we allow the petitioner's prayer for bail.

5. Accordingly, we direct that the petitioner, namely, **Akhil Biswas**, 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, Ranaghat, Nadia cum Judge, Special Court (POCSO Act), Ranaghat Nadia. 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 Ranaghat Police Station except for the purpose of attending the court proceedings and shall appear before the Officer-in-Charge/Inspector-in-Charge of the Ranaghat Police Station once in a week, until further orders. The petitioner shall, through his learned advocate, inform the learned trial Court, Ranaghat Police Station and Santipur Police Station his current local address at Ranaghat where he shall be residing while on bail.

6. 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.

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

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

9. 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.)