

CRM (DB) 520 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 **Sonarpur Police Station** Case No. **720 of 2021** dated **28.08.2021** under Sections **377/323/506/34** of the IPC and Section 6 POCSO Act.

- A n d -

In the matter of : Somnath Chakraborty

.... Petitioner.

Mr. Mritunjoy Chatterjee,
Mr. S. Chatterjee,
Ms. S. Chakraborty,
Ms. Arpita Kundu,

... For the Petitioner.

Mr. Arindam Sen,
Mr. Mainak Gupta,

... For the State.

Mr. Manojit Bhattacharyya,
Mr. A. Bikash Dutta,

... for the defacto complainant.

Order dictated by Arijit Banerjee, J.:

1. The petitioner renews his prayer for bail which was rejected earlier on several occasions and lastly on January 13, 2024. He says that there is inordinate delay in progress of the trial. He is in custody for three years six months. Only 3 out of 17 charge sheet named witnesses have been examined. On the touchstone of Article 21 of the Constitution of India, he renews his prayer for bail.

2. Opposing the bail prayer learned State Advocate draws our attention to the statements of the victim children recorded under Section 164 of the Criminal Procedure Code. We see that the main allegation of sexual assault is against one Tarak. The allegation against Somnath, being the present petitioner, is that he used to ill-treat the children who were residents of the concerned Home.

3. Apart from the merits of the case, we cannot be unmindful of a citizen's fundamental right to personal liberty and speedy trial.

The petitioner is in custody for a long period of time. 14 more prosecution witnesses remain to be examined. There is almost zero possibility of an early conclusion of the trial.

4. Hence, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel constrained to enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Somnath Chakraborty**, 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, Baruipur, South 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 and/or tamper with evidence in any manner whatsoever and on further conditions that the petitioner while on bail shall not leave the jurisdiction of the Netajinagar Police Station except for the purpose of attending court proceedings and shall meet the I.C./O.C. of the Netajinagar Police Station once in a week until further orders.

6. 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.

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

8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Om Narayan Rai, J.)**

(**Arijit Banerjee, J.)**