

10.03.2025
Item no.62.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 544 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Habibpur Police Station Case No. 261 of 2021** dated **29.08.2021** under **Sections 8/10** of the Protection of Children from Sexual Offences Act (POCSO), 2012.

And

In the matter of : Raja Mudi. ...Petitioner.

Mr. Sujoy Sarkar,
Mr. Musharaf Alam
Ms. Sneha Srivastava,
Ms. Debolina Goswami, for the Petitioner.

Ms. Manisha Sharma,
Mr. Rajesh Jana, ...for the State.

Dictated by Arijit Banerjee, J.

1. Service report and status report filed by the State be kept with the records. In spite of service, nobody appears for the de facto complainant/victim girl.
2. The petitioner complains of delay. He says that he is the sole accused and has been falsely implicated. He is in custody for more than three and half years. Charge was framed in November 2021. Since then only 1 out of 15 chargesheet named witnesses has been examined. On the ground of delay, he prays for bail.
3. Learned State advocate says that the delay was not intentional. The status report shows that witnesses were absent on numerous dates.

4. Be that as it may, one thing appears from the status report and that is that the petitioner herein cannot be blamed for the delay in trial. He is in custody for a very long period of time. There no possibility of early conclusion of the trial given that 14 witnesses remain to be examined.
5. Hence keeping in mind that a citizen's fundamental right to personal liberty and speedy trial is paramount, without touching the merits of the case and only on the touchstone of Article 21 of the Constitution of India, we allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely, **Raja Mudi** 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 Judge, Special Court (under POCSO Act), Malda, subject to the conditions that the petitioner shall not leave the jurisdiction of the concerned Police Station and shall meet the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
7. The petitioner shall appear before the 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.
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.)